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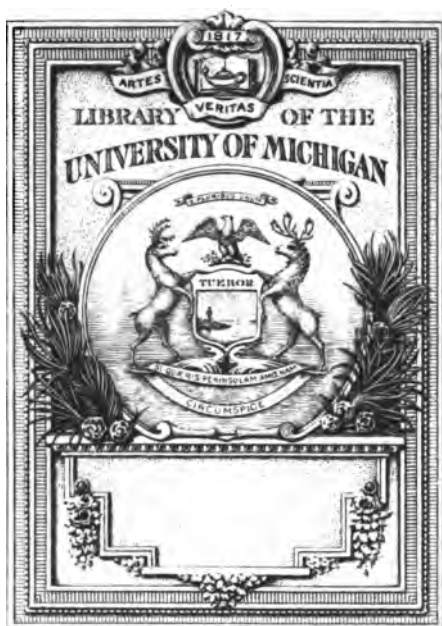
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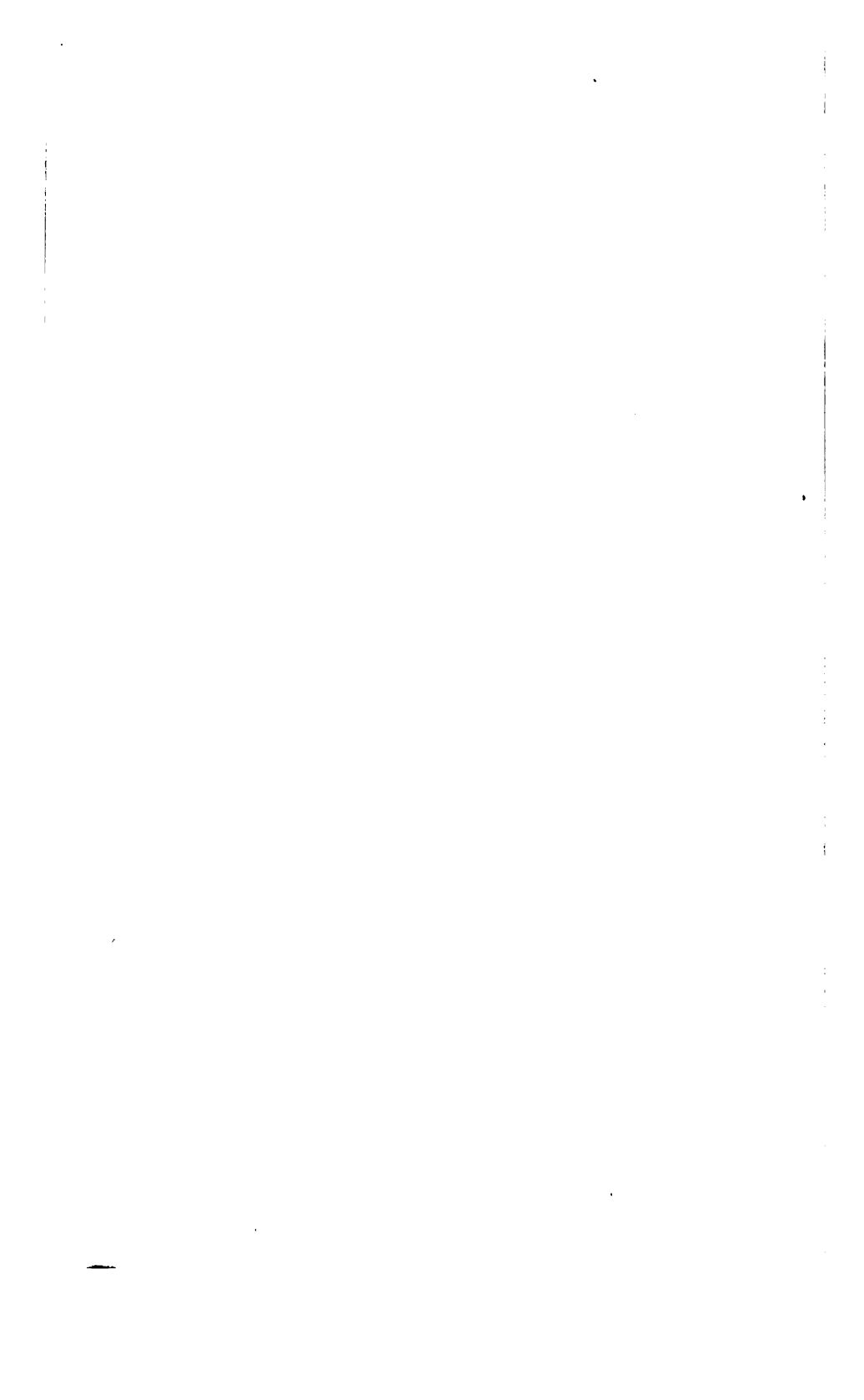
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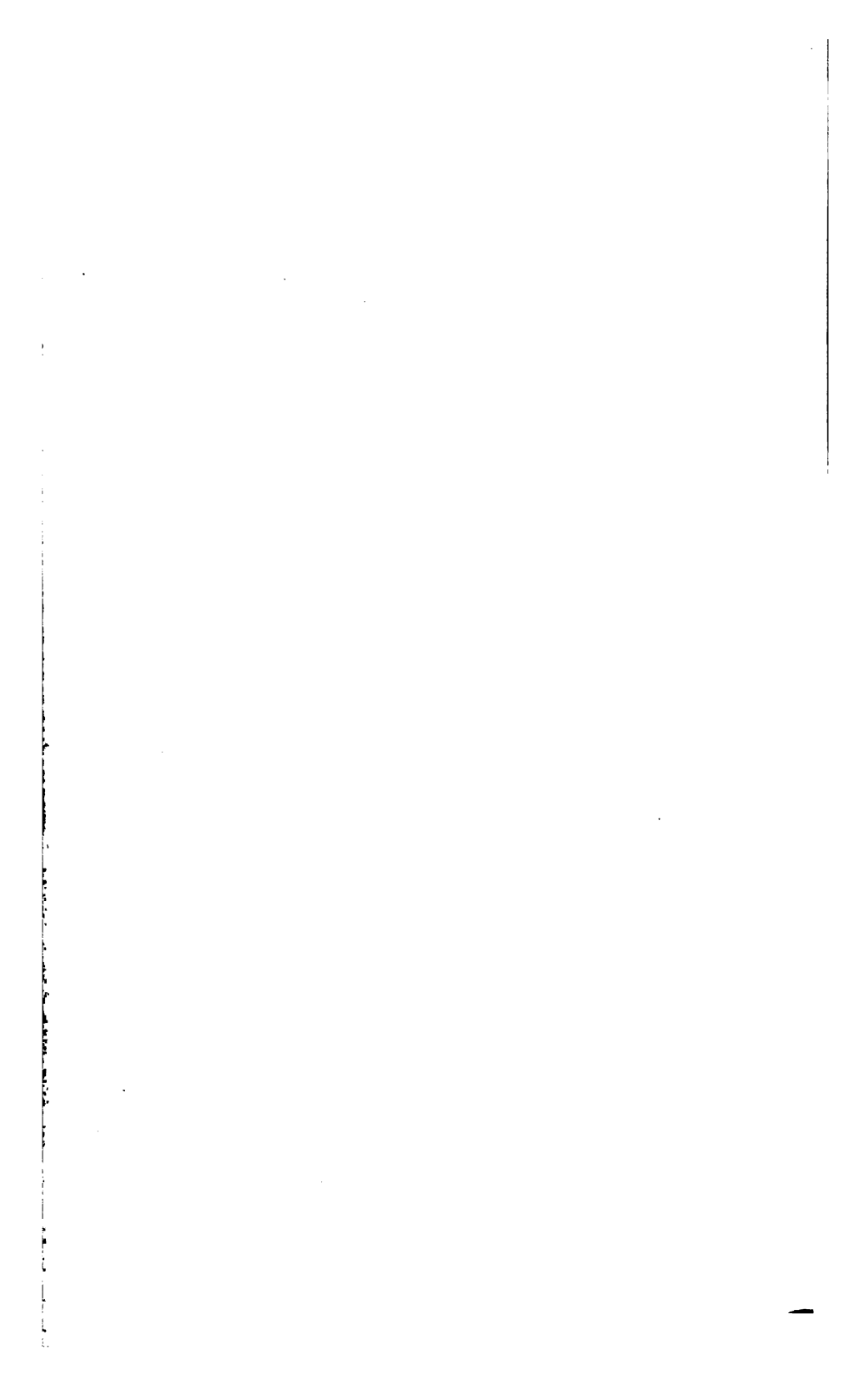
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# DOCUMENTS

ACCOMPANYING

## THE JOURNAL OF THE SENATE

OF THE

STATE OF MICHIGAN,

AT THE

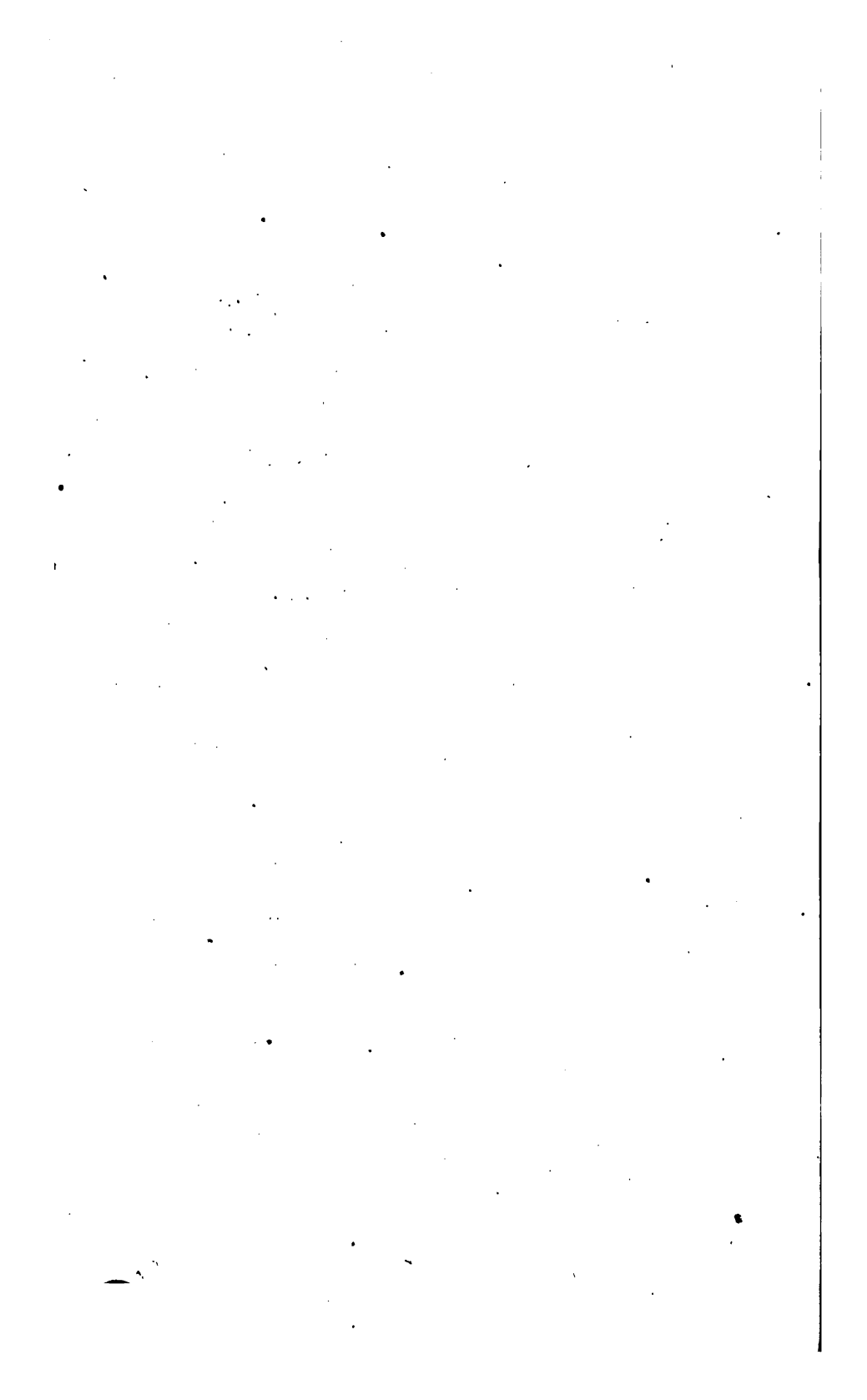
BIENNIAL SESSION OF 1865.



BY AUTHORITY.

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JOHN A. KERR & CO., PRINTERS TO THE STATE.  
1865.



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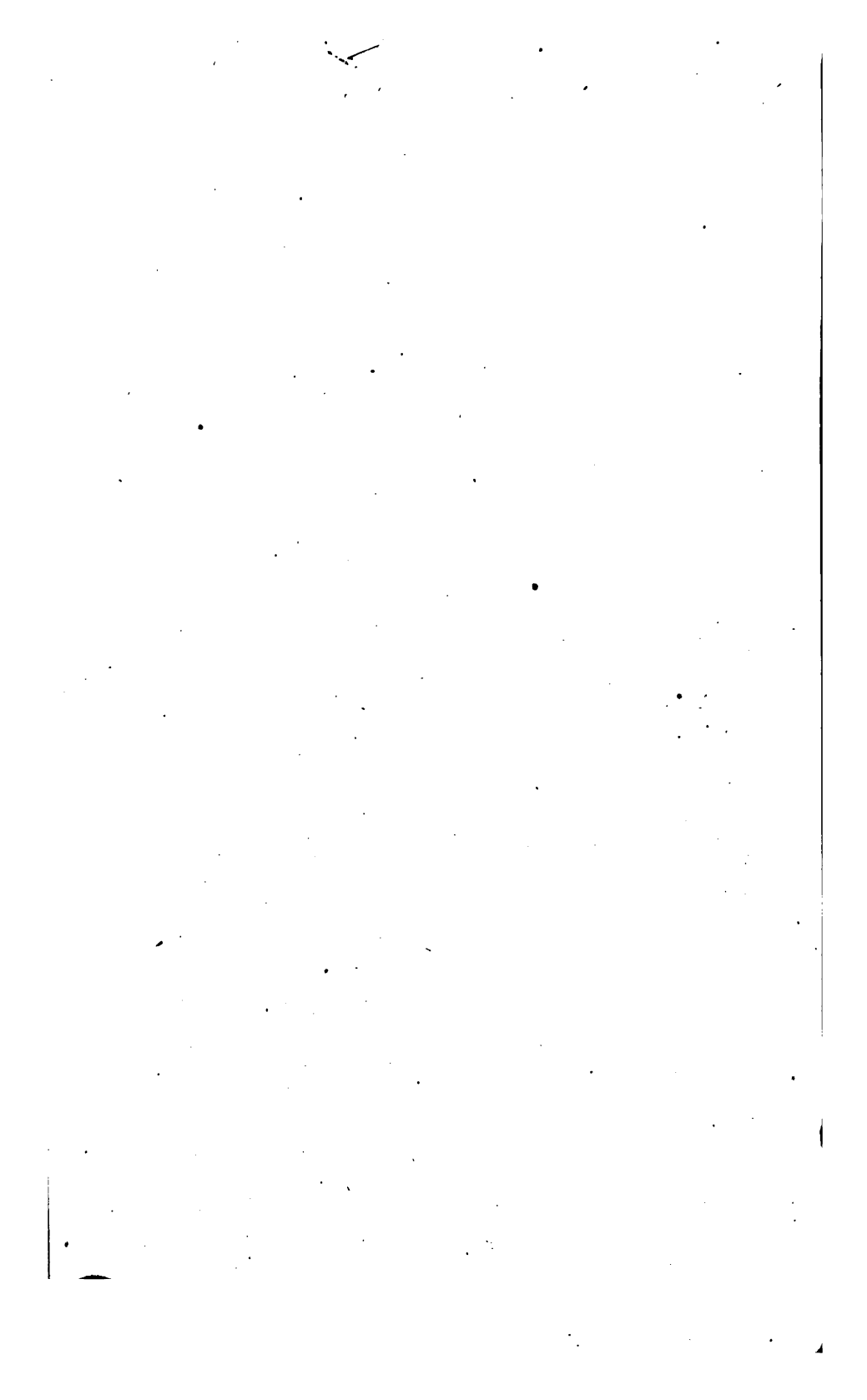
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**SENATE DOCUMENTS.**

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[ No. 1. ]

**REMARKS** of Senators Walker, McCurdy, Davis and Crawford, on the announcement of the death of Hon. Edward Everett.

Mr. Forster offered the following:

*Whereas*, It hath pleased Almighty God to remove by death from our midst, on the 15th inst., the Hon. Edward Everett, the scholar, the statesman and the patriot,

*And whereas*, The nation mourns this dispensation of Providence, while recognizing its infliction; therefore, be it

*Resolved*, That as a tribute of respect, and an expression of our sorrow, upon this occasion, the Senate do now adjourn.

**REMARKS OF SENATOR WALKER.**

*Mr. President*—One of the greatest of men has said, that "The evils that men do live after them; the good is often interred with their bones." Few men have lived to whose future this affirmation is less applicable than to that of Edward Everett. There is, perhaps, no living man who has stood before the public in more diverse positions, and has sustained more various responsibilities in social and public life, than he whose

name we desire, reverently, to honor by this resolution. Upon the column that shall mark his resting place in the silent assembly of the honored dead, may be written, "The conscientious divine;" "the eloquent orator;" "the upright statesman;" "the able diplomatist;" and more and better than all, "the philanthropist;" ever active for the good of his race.

Mr. President, the good that he has done *will not* be interred with his bones. His classic and eloquent words are found in many pages of our academic literature, and the impress of his mind will go to the future in the thought of the coming generations. He helped to make the school literature of our land, and great as he was in other departments of effort, yet in this he has left a legacy to the youth of the country that will last beyond the ordinary limits of human fame.

What he did as the representative of Massachusetts at home, and the representative of the republic abroad, is matter of his story; and there are Senators here who can speak of the services he rendered his country in these positions with better appreciation than I can myself. There are few of the men of his age, however, who have achieved a higher reputation than Edward Everett; and scarcely any one who leaves a name and a fame so unclouded as he.

In social life the deceased statesman was a gentlemanly and scholarly man. His influence in literary circles, and in society in his own city, was preëminent. If there were any mistakes in his life, perhaps Senators will think that the association of his name with that of John Pell, in the Presidential canvass of 1860, was one of those mistakes. But I think we can all agree, in reviewing the past, that it was the love of the Union rather than personal aspiration led him to that association. And the greatness of his character was evinced by the fact, that so soon as he understood fully the animus and the aim of the bad men who instigated the rebellion against the life of the Union, and against human progress, so soon as he understood "the deep damnation of the falling off," he stood with his pen and voice arrayed against all that were arrayed against the Union.

**No. 1.**

One of the last labors of his useful life, as we all remember, was an effort by lectures in different portions of the country to raise sufficient funds to finish the monument projected at Washington to the memory of the Father of his Country. His last strength was devoted successfully to this patriotic end. He now sleeps with the great man whose memory he labored to honor. Thus passeth away to the common resting place the honored as the humble of the world.

Senators, let us emulate his virtues, and endeavor

“ So to live, that when the summons comes,  
That calls our spirit to the realm of shades,  
We shall go forth—not as the galley slave,  
Scourged to his dungeon—but as one,  
Sustained and cheered by an unfaltering hope,  
Gathers the drapery of his couch about him,  
And lies down to pleasant dreams.”

**REMARKS OF SENATOR MC CURDY.**

*Mr. President*—I rise, also, for the purpose of supporting the resolution. The truism that “death loves a shining mark,” is again evidenced. The nation has lost a true friend and a wise counselor; but in the fullness of his life, with his mental and physical powers unimpaired, he has been suddenly gathered to his fathers. In all the relations of life, filling many of the most important offices in the nation, he was never found wanting. It has been his happy lot to discharge with fidelity and satisfaction to the nation, whatever he undertook to perform. In the halls of Congress, as representative of his government abroad, in every and all positions of honor and trust, he was ever faithful to our common country. His name is as familiar as a household word, and when this generation shall have passed away, he will live in history as one of America’s brightest statesmen.

But let us not too much grieve that he has met the common lot of all. Although his sun has set at a time of national anxiety and deep gloom, his country rent asunder by civil war, he lived at least long enough to see the clouds in the eastern horizon begin to break away, and peace descending to

bless our country, like another morn risen on mid-day. He is gone, and left unfinished the noble work for the accomplishment of which he devoted his whole energies.

"Brothers and comrades, on you it is falling—  
On you the proud voice of your country is calling,  
While the lot of the balance is trembling on high."

REMARKS OF SENATOR DAVIS.

*Mr. President*—I feel as though this opportunity ought not to pass without mingling my voice with other Senators on this melancholy occasion. A great man has fallen. Whether we look at him as a scholar, statesman or orator, Edward Everett has had but few equals. I do not claim he was perfect. Perfection is not the lot of man. But perhaps there are but few great men who have committed fewer errors. There have been times when I differed with him on the great political issues of the day; but I never doubted his honesty or integrity.

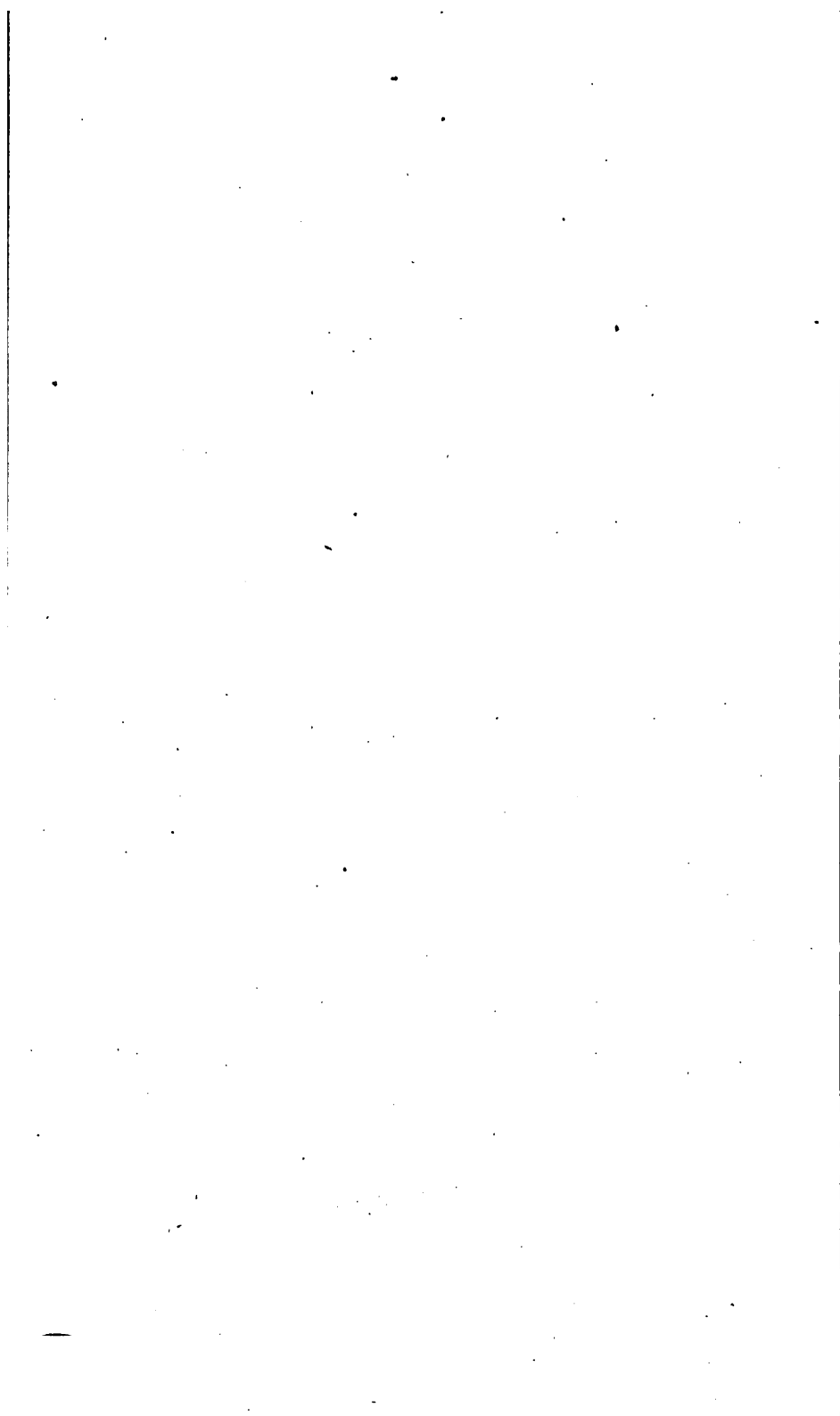
When the first gun was fired, at Fort Sumter, and this great rebellion had assumed its gigantic proportions, that patriotic voice, now hushed in death, was one of the first to be heard calling the freemen of our country to stand by our gallant flag. From that time forward, his whole energies have been bent towards crushing out the rebellion, and restoring our distracted country. Like the great Washington, whose noble deeds he so often eulogized and commemorated, he loved his country, and for her was willing to live and die. In him the administration has had a true friend and supporter. I feel, Mr. President, in conclusion, that our country has lost a great and good man.

REMARKS OF SENATOR CRAWFORD.

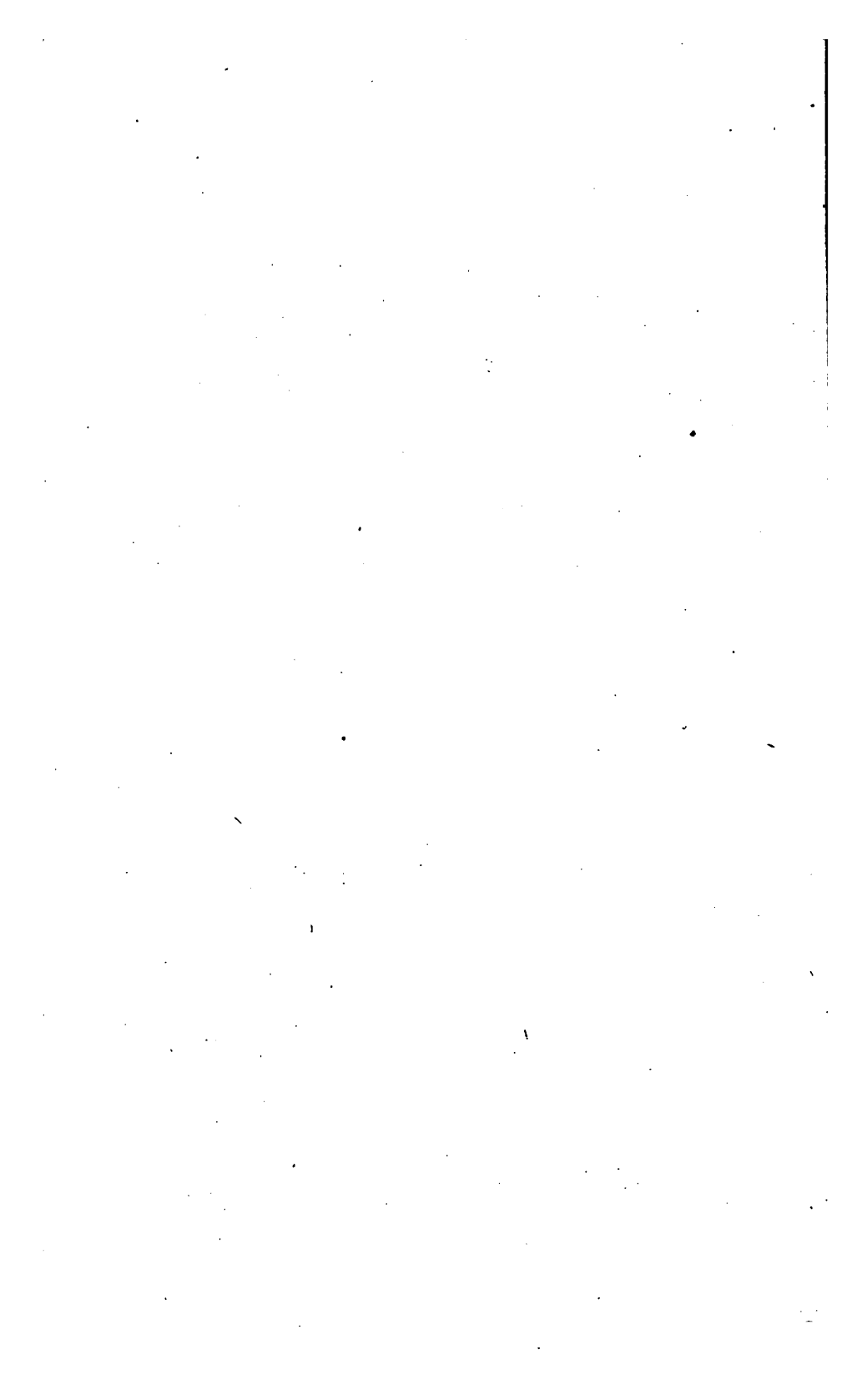
*Mr. President*—No words that I may utter to-day, can add to the tribute already paid to the memory of the dead. Yet I cannot remain silent or fail to express my feelings of regret for the loss of so great a man. I cannot remain silent and thus fail to pay my respects to the memory of one who to-day sleeps beneath the soil of my own native State. It is not the political history of him, for whom we to-day as a nation mourn, that I

would speak, but my mind goes back to my school-boy days, when I have listened to the voice of the great educator of his race, and received from him those words of encouragement which caused us to consider nothing impossible to those who were determined to be men. Yes, the great deeds of Edward Everett live after him—they live not only in the memory of those who now are called upon to weep for the loss of our national benefactor, but they will continue to live until time shall be no more. He did not fall as many fall, in the prime of manhood, but he lived to a ripe old age. He lived to finish the great work God had given him to perform. He lived to see our infant nation grow to be the most powerful on earth. We would have been glad had he remained until peace had returned to our distracted country, but he lived to see the black cloud of treason which had hung over us for the past four years breaking and rolling away, and the bright sun of peace once more dawning on the free people of America. Let his example be ever before us, that "when our summons comes to join the innumerable caravan," we may not perish, but like the lamented Everett, live in the hearts of our countrymen. We may well mourn, not for his loss, for to him it is gain, but mourn for the loss the nation sustains by the removal from our midst one whom the people delighted to honor..

The resolution was unanimously adopted.









LEGISLATURE, }  
1865.

{ SENATE DOC.  
No. 2.

[ N. 2. ]

COMMUNICATION from the Secretary of State, transmitting to the Senate a statement of the population of this State, by counties, for the year 1864.

SECRETARY OF STATE'S OFFICE, }  
Lansing, January 17, 1865. }

Hon. E. O. GROSVENOR, *President of the Senate:*

SIR—In compliance with a resolution of the Senate of the 16th inst., I herewith transmit a statement of the population of this State, by counties, for the year one thousand eight hundred and sixty-four, as returned to this office.

Very respectfully,

GEO. H. HOUSE,

*Dep'y Sec. of State.*

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*Population of the State of Michigan, Compiled from the Census of  
1864.*

Allegan, .....	18,849
Alpena, .....	674
Antrim, .....	382
Barry, .....	14,488
Bay, .....	5,307
Berrien, .....	25,720
Branch, .....	22,458
Calkoun, .....	39,488
Cass, .....	17,776
Cheboygan, .....	483
Chippewa, .....	1,158
Clinton, .....	14,739
Delta, .....	561
Eaton, .....	16,497
Emmet, .....	1,825
Genesee, .....	22,043
Grand Traverse, .....	2,017
Gratiot, .....	5,631
Hilledale, .....	27,324
Houghton, .....	3,225
*Huron, .....	3,961
Ingham, .....	17,123
Ionia, .....	17,984
Iscuo, .....	895
Isabella, .....	1,844
Jackson, .....	25,995
Kalamazoo, .....	25,392
Kent, .....	23,458
Keweenaw, .....	5,180

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\*Three towns not returned.

Lapeer, .....	15,247
Leelanaw, .....	2,389
Lenawee, .....	40,202
Livingston, .....	16,186
Mackinac, .....	1,385
Macomb, .....	22,404
Manistee, .....	1,673
*Manitou, .....	
Marquette, .....	3,760
Mason, .....	844
Mecosta, .....	1,382
Menominee, .....	496
Midland, .....	1,244
Monroe, .....	22,231
Montcalm, .....	5,619
Muskegon, .....	5,210
Newaygo, .....	3,431
Oakland, .....	33,725
Oceana, .....	3,279
Ontonagon, .....	5,406
Ottawa, .....	15,156
Saginaw, .....	19,375
Sanilac, .....	2,853
Shiawassee, .....	12,405
St. Clair, .....	27,591
St. Joseph, .....	21,796
Tuscola, .....	6,933
Van Buren, .....	17,320
Washtenaw, .....	34,050
Wayne, .....	33,326

*Unorganized Counties.*

Alcona, .....	251
Bennie, .....	500
*Crawford, .....	

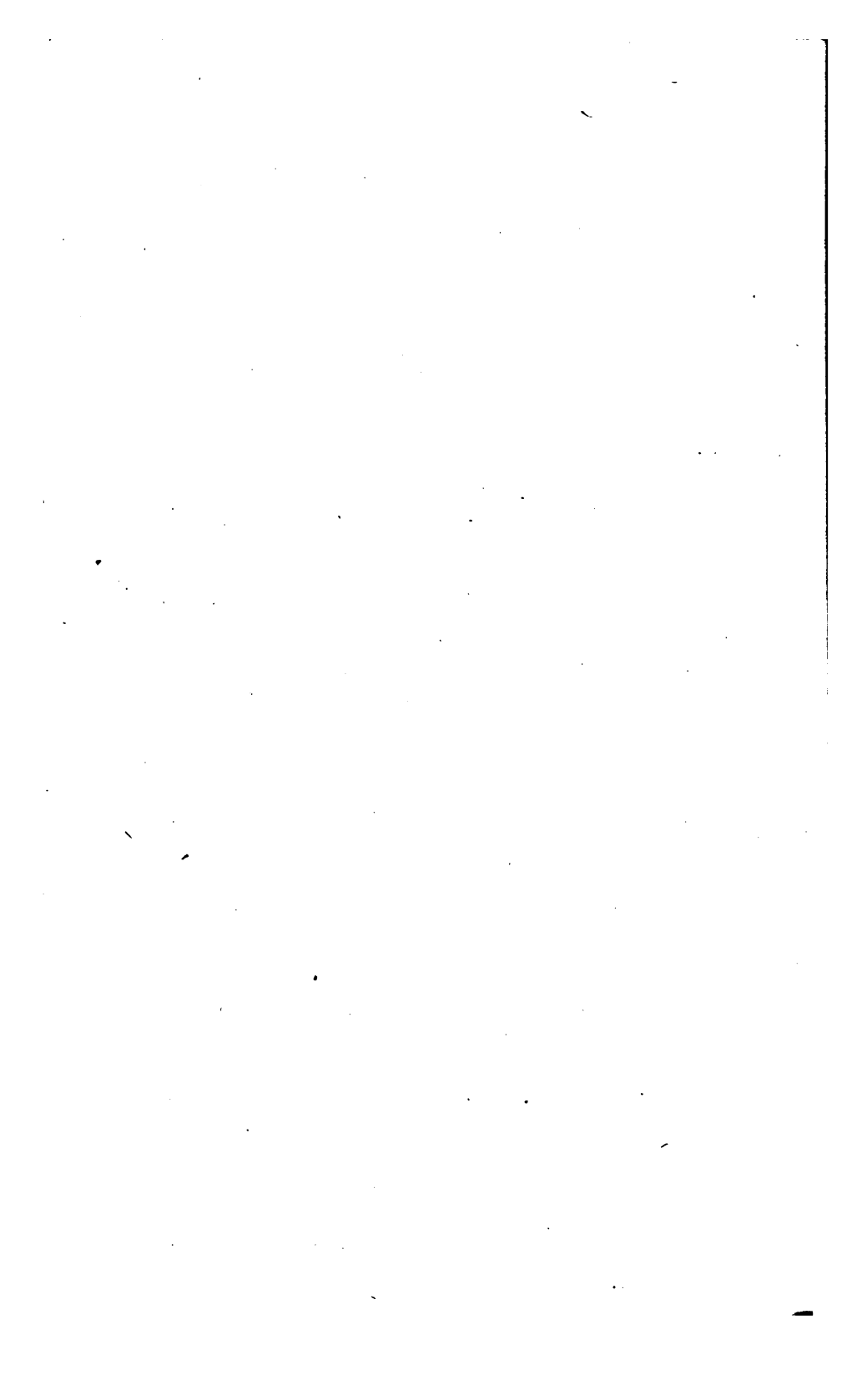
<b>No. 2.</b>	<b>5</b>
<b>Gladwin and Roscommon,.....</b>	<b>40</b>
<b>Kalkaska, .....</b>	<b>9</b>
<b>*Missaukee, .....</b>	
<b>Osceola, .....</b>	<b>201</b>
<b>*Otsego,.....</b>	
<b>Presque Isle,.....</b>	<b>88</b>
<b>Schoolcraft,.....</b>	<b>89</b>
<b>Wexford, .....</b>	<b>67</b>
<b>Total, .....</b>	<b>808,745</b>

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**Not returned.**









[ No. 3 ]

SPECIAL MESSAGE of the Governor, relative to a claim preferred against the State, growing out of the Muskegon River improvement.

EXECUTIVE OFFICE, }  
*Lansing, January 18, 1865.* }

*To the Senate and House of Representatives :*

My attention having been repeatedly and urgently called to the subject of a claim preferred against the State, growing out of the "Muskegon river improvement," I have deemed it my duty to bring the same to your notice by special message.

By an examination of the several enactments on this subject, as well as of other proceedings had thereon by previous Legislatures, I find the facts, briefly and substantially, as follows:

In 1857, the Legislature appropriated \$50,000, payable from the internal improvement fund of this State, to improve navigation over the sand flats of the Muskegon river. Commissioners named in the act, and charged with the duty, let a contract to John A. Brooks, of Newaygo, for the price of \$50,000. This contract was assigned by Brooks to William Beard, of Brooklyn, in the State of New York, who advanced

the requisite sum of money, and completed the improvement to the entire satisfaction of the commissioners and of the Governor of the State, in 1860, as appears from their endorsements on the contract.

After completing the work, Beard called on the State Treasurer for payment, with his contract properly certified, and was informed there was no money belonging to the internal improvement fund, and was not at the time of the appropriation.

Payment not having been made, the Legislature of 1861 was asked to make provision for meeting this claim, and a joint resolution was passed at the session of that year, which, after briefly reciting the origin and history of the claim, states that Brooks, the contractor, was a member of the Legislature, and, for that reason, under a constitutional provision, was incapable of taking such contract, and declares the same to be void.

The joint resolution proceeds to say that Beard, the assignee of the contract, "in good faith went on and completed the said work to the full satisfaction and acceptance of the said Commissioners and of the Governor, according to the terms of said act, and that the same is of great value to the State and people thereof," and that "*said Beard is justly entitled to compensation for the performance of said work;*" and that "the internal improvement lands, out of which it was contemplated the aforesaid appropriation should be paid, had been entirely exhausted at the time of such appropriation."

The Legislature thereupon referred the claims of William Beard to the Board of State Auditors to "examine, audit and allow, at such amount, not exceeding \$50,000, as they should find justly and equitably due and owing to him, for work done and money expended in the improvement of navigation over the said flats of the Muskegon river;" and provision is made in the resolution for paying Beard in State swamp land at the minimum price of such land, without providing other means. The Board of Auditors, in pursuance of the authority thus given, audited and allowed the claim to Beard at \$50,000, but for which he refused to take State swamp lands in payment.

It also appears, by an agreement between said Brooks and Beard, that in the adjustment of certain misunderstandings and controversies growing out of this transaction between said Beard and certain sub-claimants, that from the said sum of \$50,000 the said Beard should be entitled to receive and should be first paid the sum of \$36,086 35; and that the balance, being \$13,913 66, should be paid to said sub-claimants, less certain expenses, fees, &c.

It having been represented that these sub-claimants were willing to accept and receive payment of said sum of \$13,913 66 in swamp lands, as provided in said joint resolutions of 1861, the Legislature of 1864 adopted a joint resolution referring the whole matter of said claims to the Board of State Auditors, with instructions to settle and adjust the respective claims of such claimants, if they should find such claims to be divisible.

By virtue of this authority, the Board of State Auditors defined the amount due William Beard at \$36,086 34, and the amount due said sub-claimants at \$13,913 66, and awarded that the last-named sum be paid to F. B. Gilbert, trustee of said claimants, in swamp land, according to the tenor and effect of the aforesaid joint resolution of 1864; and of which there has only been paid in swamp land the sum of \$1,472 50, whilst the remainder of said sub-claimants, together with Mr. Bean, still refuse to accept payment in such lands.

It is clear that the act of 1857 contemplated that the internal improvement fund was not exhausted, and, in fact, the Auditor General reported to the House of Representatives, a few days before the passage of the law, that the proceeds of about 90,000 acres of internal improvement lands remained unappropriated. This report was evidently an error of fact, and is shown to have been such by a report of the Auditor General in 1861, and the joint resolution of the same year.

If, then, the error was made by the Legislature, as it clearly was, of appropriating money from a particular fund that had been permanently exhausted, the burden resulting from such an error should, in justice, rest upon the party who committed

it, and not upon the individual who, in good faith, had expended his money and performed the work, relying upon such legislative action for payment. He certainly had an undoubted right to presume that the particular fund was ample to meet the appropriation.

Whatever technical or legal objections may have existed in the earlier history of this claim to prevent the State from recognizing the contract with John A. Brooks, and from making payment under it, it would certainly seem that on no sound principle can the State now refuse provision for its payment, standing, as I believe it does, fully acknowledged and recognized against the State, through the action of the Legislature and the Board of State Auditors, as a just and valid one. The honor and credit of the State is, to a certain extent, involved in this matter, and however unexpected or unpleasant it may now be to have this claim forced upon us, yet I can see no other mode of exonerating the State than that of its payment.

I submit, therefore, the whole subject to your consideration, with the recommendation that provision be made for its payment, unless there are sufficient reasons for not doing so which do not appear upon the record; provided, however, there are funds from which the necessary appropriation can constitutionally and properly be made.

HENRY H. CRAPO.

[ No. 4. ]

REPORT of the Committee on State Affairs, relative to that portion of the Governor's Message which relates to the subject of Immigration to this State.

The committee on State affairs, to whom was referred that portion of the message of His Excellency Governor Crapo, as relates to immigration to our State, have carefully considered the same, and commend the following portion of the message, *especially*:

"A very small portion of the State has as yet been reclaimed and settled, and I apprehend it is safe to calculate that nearly five-sixths of her entire territory remains to-day a wilderness. *We want settlers.* These vast tracts of woodland, however rich and fertile they may be, are of no use to us until cleared and improved; and nothing but *labor* can do it. Our rich mines of copper, iron, coal and gypsum; our springs of salt, (and as we trust of oil,) our fisheries, and our forests of valuable timber, are of little consequence unless developed and made productive by the hand of labor."

The above are patent facts. Our State though ranking with middle-aged States, in *development* is in her *infancy*. Why is this? It becomes us to ferret out the cause, and when found,

apply the remedy. The much younger States of the west upon whom nature has bestowed not a tithe of the elements of wealth, have outstripped us in development. What combination of circumstances has led them to their prosperity? *They* have had laborers to till their soil. How did they get them?

Among the most potent means are these: They advertised their advantages—the foreigner was made acquainted with them at his home. They did not stop here. When the emigrant landed in our seaports, the agents of the western States met them, with maps, and a statistical history of their States. These agents, aided by the representatives of the great railway lines extending west of us, secured the tiller of their soil, and the railway lines a customer for transportation. Let us profit by their example, and advertise the productiveness of our soil, our location as to the great lakes, the extreme low price and extent of our public lands—yea, our *free lands to actual settlers*, under the State and national homestead laws—our manufacturing interests wanting labor, our mines, our vast forests of timber, awaiting the laborer to prepare it for market; our building interest, now neglected for want of mechanics; and, in short, our ability to furnish employment, at wages that will soon purchase for them and their's a home, for all that will come.

This want of laborers has existed since Michigan was a State, and has not been caused alone by sending 80,000 of our best operatives for the defense of our government. Now, if this want was felt before the war, what are our wants to-day? We want common laborers, without limit; we want tillers of the soil, artisans, mechanics, manufacturers and miners. How shall we get them? This is the question with which we have to deal.

Common laborers and tillers of the soil are flocking to our country in great numbers—perhaps 200,000 during the past year—Michigan should have had at least one-tenth of the number, say 20,000. In the future let us meet them when they land in our seaports, with information calculated to turn



them to our State. Let us do more: Send statistical matter to them to peruse before leaving their homes, and possibly send agents to represent us abroad. These arrangements should be permanent—not spasmodic—to be abandoned in a year or two, as their very success depends upon stable and *per-  
sistent* efforts. For the purpose of reducing our recommendations as above to tangible shape, I am instructed to report herewith a bill entitled “A bill to encourage immigration,” which provides for the appointment by the Governor, of an immigrant agent; it creates an immigrant board, consisting of the Governor, the Secretary of State and the State Treasurer, who shall collect, prepare and circulate a history of our State, its public lands and resources. They are also to have general supervision over the immigrant agent, giving him such general outlines of his labor as the interests of the State demand. It provides the means for carrying the above objects into effect.

Skilled laborers, artisans, manufacturers and miners, seem to require to be approached at their homes, by personal interviews, different somewhat from ordinary emigrants, and require some definite contract for employment, as a condition precedent to coming to our country. Your committee learning of an organization, known as the “American Emigrant Company,” invited their agent, Mr. Sinclair to a conference. From Mr. S. and the documents kindly furnished us by him, we find that the purposes of this company as set forth in their prospectus, if carried out, would materially aid efforts in this behalf, which prospectus is as follows, viz:

“The object of this company is to import laborers, especially skilled laborers, from Great Britain, Germany, France, Switzerland, Norway and Sweden, for the manufacturers, railroad companies, and other employers of labor in America. To accomplish this, it has established extensive agencies through those countries, and undertaken to hire men in their native homes, and safely to transfer them to their employers here. A system so complete has been put in operation here,

that miners, mechanics, (including workers in iron and steel of every class,) weavers, and agricultural, railroad and other laborers, can now be procured, without much delay, in any number and at a reasonable cost."

This company is composed largely of some of the most successful and widely-known men of the States of Massachusetts, Connecticut, New York and Iowa, and being cordially endorsed by Chief Justice Chase, Senator Sumner, H. C. Carey, Esq., of Philadelphia, and others, your committee think warrants us to coöperate with Congress in enacting laws to facilitate immigration through this medium—which, at the same time, would enable employers to carry out successfully a similar immigration through other agencies.

On the 4th of July, A. D. 1864, Congress passed an act entitled "an act to encourage immigration," which provides for a Commissioner of Immigration, establishes an office in

New York to encourage immigration, under the rules prescribed by said Commissioner, and makes *void all contracts made in foreign countries for labor for twelve months*, (under which money may be advanced for expenses of immigration,) *in any of the States or Territories of this country.* Under the provisions of this act of Congress, employers are enabled to procure, with facility, laborers and mechanics through the agencies named above, (or otherwise,) by giving orders, which have ordinarily be filled in from six weeks to two months. Yet, this difficulty arises: when the employer who has pioneered in getting such laborer, advanced his money for his immigration in good faith, he is still liable to have his neighbor employer wrestle from his service the laborer so imported, whereby he loses the profits of said labor, together with the advances made for immigration. This evil is not provided against in said act of Congress, and seems to be the great barrier to successful operations under the same, as regards contracted labor. Therefore, for the purpose of further protecting employers of such contracted labor, your committee have instructed me to report herewith another bill, entitled a bill to protect employ-

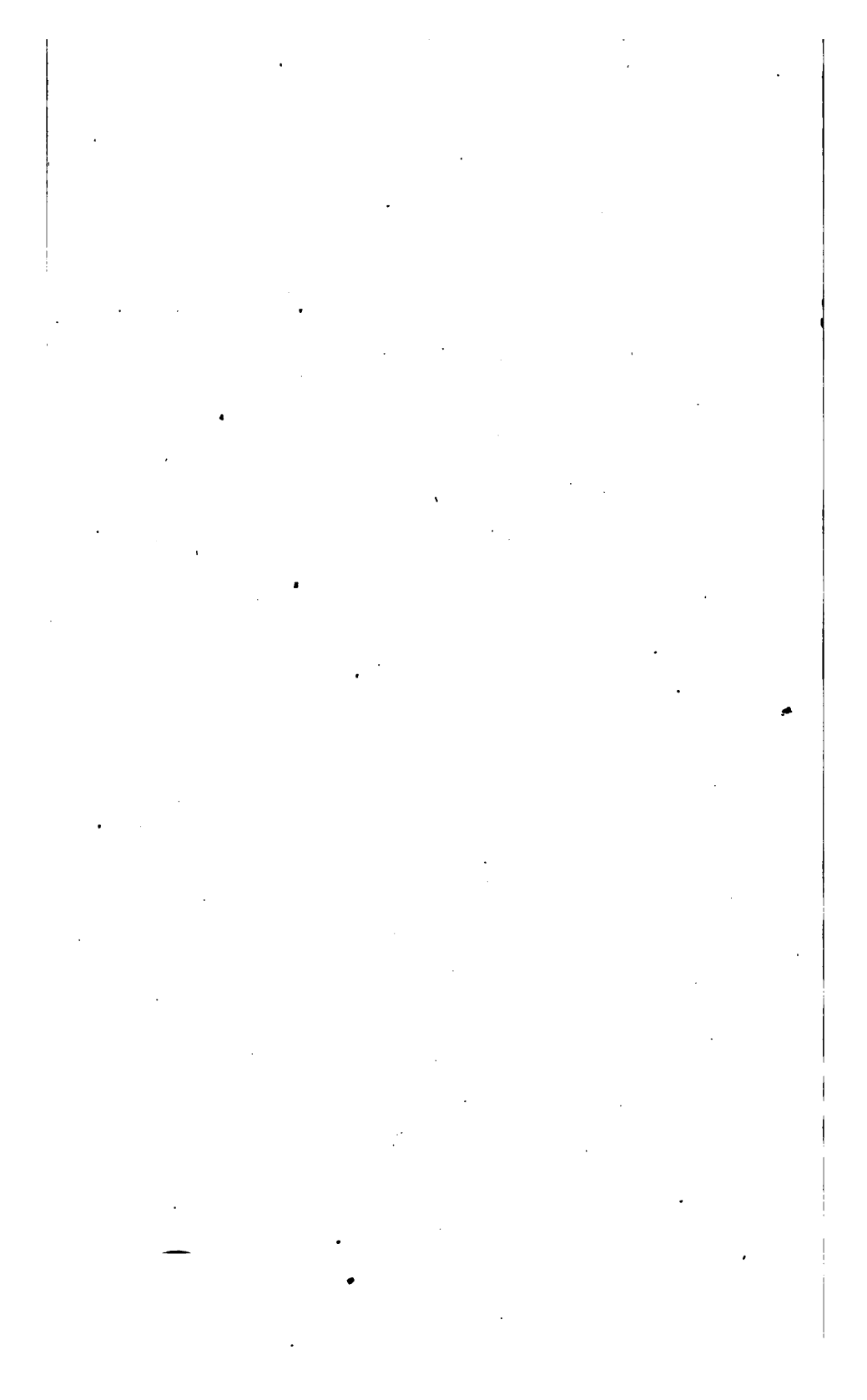
ers of emigrant labor contracted under the provisions of an act of Congress, approved July 4th, A. D. 1864. This bill makes the person or persons enticing away contracted laborers, or employing them after having actual notice of such contract, liable for all damages sustained by the original employer, together with the money advanced for immigration. It also makes it a misdemeanor, punishable by fine, &c., to wilfully entice from the employ of such contract-holder such laborer during the life of such contract.

Both of the bills reported herewith your committee respectfully submit for your consideration, and recommend their passage, and ask to be discharged from the further consideration of the subject.

D. H. JEROME, *Chairman.*

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the study. The investigator must first identify the problem that is being studied. This is done by the investigator who is responsible for the study. The investigator must first identify the problem that is being studied. This is done by the investigator who is responsible for the study.





[ No. 5. ]

REPORT of the Judiciary Committee, to whom was referred the petition of sundry citizens, asking the restoration of the death penalty in this State.

The committee on the judiciary, to whom was referred the petition of sundry citizens, asking the restoration of the death penalty in this State,

Would respectfully report that punishment by death is justifiable only on the ground that it is necessary for the welfare and safety of society. The unnecessary taking of human life, even as a punishment for crime, is an evil; it tends to destroy that sacredness and respect for the life of human beings implanted in our nature by the great Creator, while experience has fully shown that it has not had the effect to diminish crime. Gradually for years past the civilized nations of the earth have been either by law or by force of public opinion, lessening the number of offenses liable to this extreme penalty, until in enlightened countries death is now rarely visited upon an offender save for the crime of murder or treason. The old idea that severity of punishment is necessary to create a dread of crime, has been fully exploded. Thus in England, where more than one

hundred and fifty offenses, of such a character as theft, fraud and trespass, have been denounced as capital felonies, and punished by death alike with robbery, arson and murder, the penalty was so repugnant to the general sense of justice that it excited the disgust of all good men, bringing the law into disrespect and disuse, whereby offenders multiplied and increased. Instead of inspiring a dread of crime, severe punishments rather create a horror of the penalty and a sympathy for the offender. Witnesses pity the culprit, and shrink from testifying to the full extent of their knowledge. Jurors, dreading to take human life, seize upon some plausible pretext or flimsy defense, manufactured for the occasion by ingenious counsel, to conjecture that the crime is not so positively proved as to be beyond possible doubt, and a disagreement or an acquittal follow, although the preponderance of evidence is so strong against the prisoner as to satisfy every common understanding of his guilt. The chances of escape are multiplied, and just in proportion as the certainty of conviction lessens, crime will increase.

For generations, in every possible mode criminals have suffered the extreme penalty of the law. The fear of torture and of death in its most horrid forms, have not been sufficient to deter men from the commission of crime. With full sway and experience of ages, death has failed to terrify offenders, and the cry "crime is increasing with fearful rapidity," comes up as often from localities where the power of the King of Terrors is still invoked, as from elsewhere.

Observation shows that the dread of violent death is not so great as it is generally supposed to be. How often do men deliberately court death. The soldier, the duelist, the suicide, the misanthrope, and even the hardened offender, who has committed crimes as a pastime, meet this great change without the least apparent fear or apprehension, and sometimes seem to welcome it as a desirable infliction. In many instances murder is followed by suicide. In other cases the guilty perpetrators surrender themselves at once, and even manifest an eagerness to be led to the scaffold.



The right of society to protect itself against aggravated crimes, and to prevent the same by such punishment, even to the taking of life, as shall be most effective for that purpose, is not denied. If the public welfare may demand the free sacrifice of life for the general good, as in case of war, there can be no doubt of the right, when necessary for the same purpose, to destroy human monsters who plunder community and prey upon its members. But we have yet to learn that the infliction of the death penalty has proved a terror sufficient to protect society or prevent crime. On the contrary, we think that the fear of shedding innocent blood has discouraged prosecutions, prevented convictions, caused laws to be loosely enforced, and enabled great criminals too often to escape the just merit of their crimes. It has been well observed "that a single failure to punish excites a greater degree of hope in the minds of criminals than twenty executions excite of fear." When the guilty thus go free, villainy is encouraged, and the temptation to commit crime is strengthened and stimulated by the prospect of escaping its penalties.

Prison statistics fully verify the truth of the old adage, that "ignorance is the mother of crime." Unbar the cell of the felon, and in the great majority of cases it will be found to contain the victim of a neglected education, of indolence, or of drunkenness. If a remedy is sought for growing crime and depravity, provide free schools, and make them attractive, sharpen the faculty for discerning and discriminating between right and wrong. To-day, with all the educational advantages of the State, far too large a portion of its children are growing up in ignorance and sin. Suppress gambling establishments, create a public sentiment that shall discourage the use of intoxicating liquors, that shall make idleness unfashionable, that shall not wink at corruption, whether in public or private places, that shall make the detection of vice easy, and its punishment certain, and you will have an effective remedy lessening crime, without resorting to the long-tried and hitherto unsuccessful experiment of terrifying man into the paths of virtue by means

of "private slaughter pens," or public executions like that recent one in England, where the criminal was launched into eternity amid the laughter, jeers and yells of a mass of nearly one hundred thousand persons, largely sprinkled with gangs of robbers, pickpockets and ruffians of every shade, "plying their vocation," "who openly stopped, 'bonneted,' sometimes garroted, and always plundered any person whose dress led them to think him worth the trouble."

It is now quite or nearly twenty years since the death penalty was abolished in this State. Experience here has shown that capital offenses have not, since the abolition of this provision, increased greatly beyond the proportionate growth of population, nor relatively faster than in other States where the penalty is still enforced. Nor have we evidence that this change has in any wise lessened the restraints upon crime, or induced its more frequent commission within our borders. Reckless men have not resorted here for the purpose of indulging in a propensity for violence and bloodshed, because, thereby, they would not forfeit life. Our people have not been terrified by a disposition to lawlessness not prevalent elsewhere. Nor have an unusual number of horrid crimes transpired in our midst, to shock and startle the moral sense of the community. While we admit that our police regulations, especially in our larger cities, have not been as efficient as they ought to have been, and that sometimes criminals have gone unwhipped of justice, by reason of the connivance and corruption of officers, the doubt and hesitation of jurors, or the defect and laches of law, yet we think we can safely assume that for the past twenty years, the general good order and the administration of justice in this State, will compare favorably with any of our sister States where crime has been punished by death on the gallows. A stranger, living where the death penalty is in full force, passing through the State at any time during this period, would have seen nothing to indicate that life and property were not as secure here as elsewhere. We say, then, that the actual experience of these twenty years, in this State,

has fairly proved that executions of a public or private nature have not been necessary for the protection and safety of society.

But we are told that we are in the midst of a great war, that, like all war, is demoralizing our young men, and training them to deeds of violence; and that when the war is over, and the soldier returns, he will bring back a propensity for blood, and a disregard for life, the gratification of which can only be checked by the terror of an infamous death on the scaffold. We are not prepared to admit the force of this proposition. A glance at the past will show that disbanded armies have not always returned home to increase and enlarge the calendar of crime. Speaking of the disbanding of the army of Cromwell, the English historian says: "In a few months there remained not a trace indicating that the most formidable army in the world had just been absorbed into the mass of the community. The royalists themselves confessed that in every department of honest industry, the discarded warriors prospered beyond other men; that none were charged with any theft or robbery; that none were heard to ask an alms; and that if a baker, a mason, or a wagoner attracted notice by his diligence and sobriety, he was in all probability one of Oliver's old soldiers." The soldiers of our own revolution, although discharged and sent home half paid, and poorly clad, at a time when the country was embarrassed, the treasury exhausted, paper money depreciated, and the cost of living enormously high, like their great commander, quietly betook themselves to the pursuits of civil life, and it was remarked of them "that the instances were rare where a veteran had returned to his home to disgrace it."

It is no exaggeration to say that the men who have left the peaceful pursuits of life, and have gone forth to fill the ranks of our army, and who now stand, or have stood, in this war between us and the foe, as a body, are as intelligent and virtuous as any army that ever trod the earth. If other armies have been disbanded without producing an increase of crime and misery, we think it fair to presume that this may be also.

Indeed, a large proportion of the men enlisted at the commencement of this struggle have already been discharged, and are now civilians in our midst, yet we have no proof in their conduct of this apprehended recklessness of law and life.

We cannot persuade ourselves that it is best, upon a mere apprehension or suspicion of danger, to change the policy of the law upon this subject, and recommend a return to a system which, on a practical trial for generations, has proved of doubtful utility.

Your committee, regarding the law as it now exists as sufficient for the protection of the public, recommend that the prayer of the petitioners be not granted.

All of which is respectfully submitted.

C. M. CROSWELL, *Chairman.*





[ N. 6. ]

REPORT of the Select Committee on Bounties.

The select committee on bounties, to whom it was referred to ascertain what legislation is needed, if any, in regard to raising bounties for volunteers, in the military and naval service of the United States, respectfully report that they have had the subject under consideration, and find that the Bounty Law now in force, either from inherent defects, or from a disregard of its provisions by those charged with its execution, has failed to meet all the purposes for which it was intended.

The bounties provided by it, are probably large enough. But the State bounty therein promised, has not always been paid; and too frequently, when paid, there have been so many delays and difficulties thrown in the way of the volunteer in obtaining it, that it has become of little use in promoting enlistments.

The local bounties, provided by the law, have been more available, because their payment could be guarded by those who were personally interested in promoting enlistments in their immediate districts. But from a want of proper checks

and restraints in the law, the requirement that these bounties should be paid only to those resident volunteers who should be credited to the district in which they were enrolled, or actually resided, has been wholly disregarded, and wealthy localities have added large subscriptions of money to these local bounties, and have thus unjustly obtained for themselves, credits of volunteers from less wealthy districts. The consequence has been that the poorer districts have, without law or authority, voted enormous taxes upon their townships, to raise bounties that would protect them from their richer neighbors, and are now beseeing the Legislature to legalize their acts in voting these burdens upon themselves. By this system of rivalry to obtain credits all uniformity of bounties is lost—richer localities oppress the poorer ones—and unreasonable and unnecessary bounties are paid, and a consequence is that enlistments are made a scheme for the extortion of money from the people.

A bounty of two hundred dollars is believed to be sufficient. Were it much less than this, volunteers would be induced to go to adjoining States, where larger bounties could be obtained. Were the amount placed higher, it becomes oppressive and inordinate.

It is also believed that the bounty decided upon should be partly a State and partly a local bounty. By paying part from the State treasury, the burden will be more equally distributed. And by making part of the bounty local, greater care will be observed in its payment, and there will be more solicitude on the part of the people to promote enlistments.

But little benefit can be hoped from a State bounty unless its prompt payment can be secured to the volunteer himself. And unless local bounties can be made to be nearly uniform, and kept within reasonable limits, they will be more a means of oppression to the people than of good to the volunteer.

It is believed that greater uniformity can be secured in local bounties, by requiring them to be paid from county bonds, to be issued to the townships and sub-districts, and by prohibiting the raising of money by vote at township and ward meetings

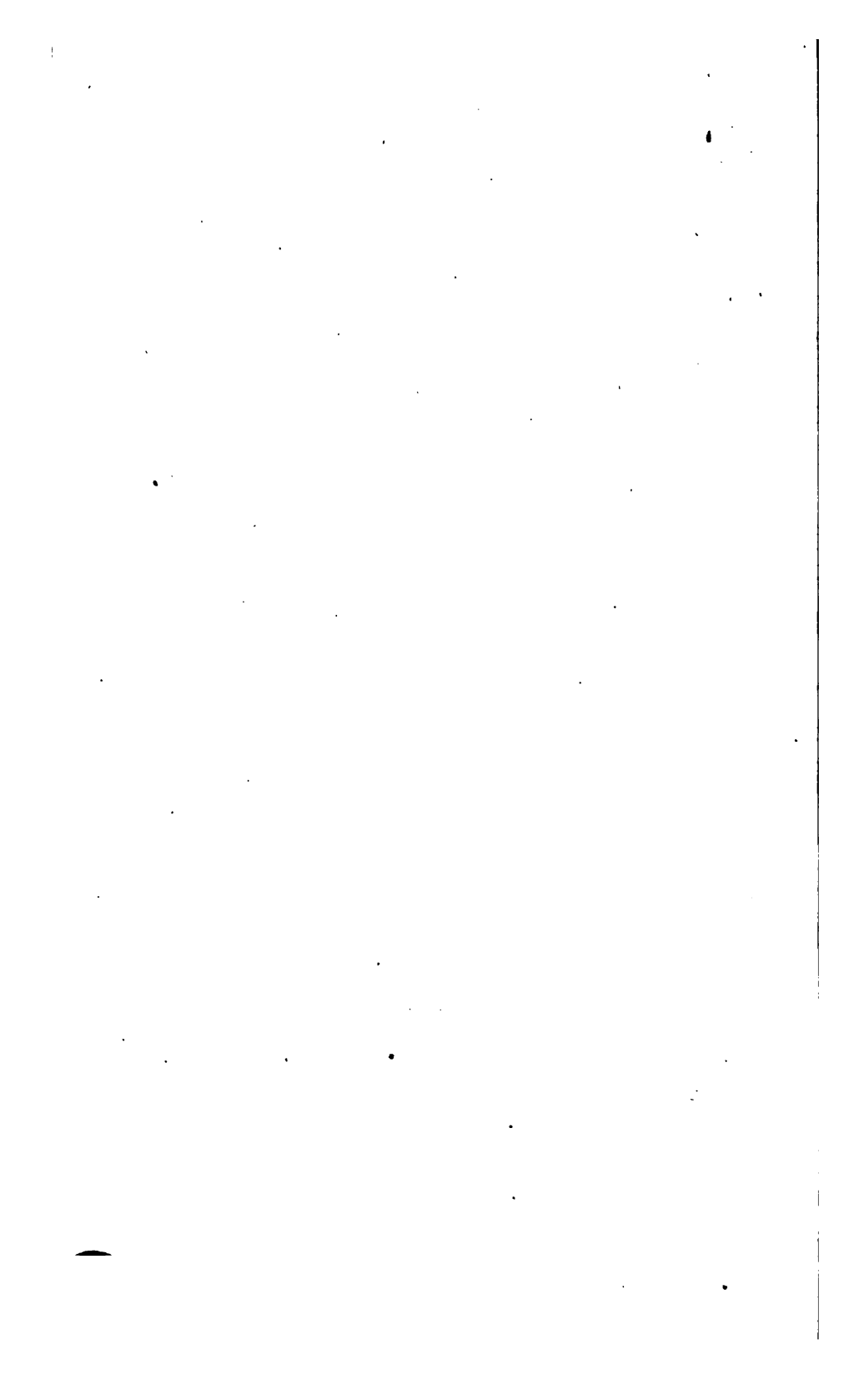


for that purpose. And as a matter of justice to all portions of the State, the payment of all bounties to resident volunteers should be limited to such only as are credited to the district in which they are enrolled, or where they actually resided at the time of their enlistment, and this requirement should be enforced strictly.

Your committee present herewith a bill to provide for the payment of State and local bounties, which it is hoped guards against some of the abuses that have appeared in our present bounty system.

All of which is submitted.

C. HOWELL, *Chairman.*



[ N. 7. ]

**MAJORITY REPORT** of the Committee on the Judiciary,  
relative to the pay of the Circuit Judges.

The majority of the committee on the judiciary, to whom was referred the petitions of the bar of the counties of Macomb, Genesee, Saginaw, Hillsdale, Lenawee and Shiawassee, praying the Legislature to pay the circuit judges in gold or its equivalent, have considered the same and beg leave to report:

This nation is engaged in a civil war, more terrible and of greater magnitude than any that has marked the history of modern nations. To carry on this war successfully, we must have means, as well as victories on the field of battle. The oft repeated saying, "money is the sinew of war," has come to be a proverb. It is clear to the comprehension of the dullest intellect, that armies cannot be raised and supported, nor navies created and set afloat, without money or credit. In 1862, the government of the United States, finding it apparent that the military resources of the nation were to be taxed to their utmost capacity, and that its financial wants could not be supplied through the common medium of coin, had recourse to the establishment of a circulating medium, by the issue of treasury

notes, made a legal tender for the payment of debts. This was but a method of borrowing from the people at large. Every good citizen felt it a duty and a privilege to give credit and currency to the paper issues of the government, and all classes became creditors of the nation. Since then a large sum of these treasury notes has been issued, constituting, in a great measure, the medium of national commerce and trade, while government bonds and interest-bearing treasury notes, in a variety of forms, have absorbed a large proportion of the surplus capital and earnings of the people. It is estimated that more than one-half of all the deposits in saving and other banks, are invested in the funded debt of the nation, while its circulating obligations are in every man's hands, and have become the basis, to a great extent, of all business operations. Now, every act that directly or indirectly tends to depreciate this currency, impairs the public credit, cripples the government, impoverishes the people, and inevitably leads to confusion and derangement in all the channels of business and trade; a reverse to our arms; a persistent effort by the "bulls and bears" of Wall street to magnify the obligations and belittle the means of the government, and all measures to create distinctions in the currency and prevent the paper issues of the nation from becoming a uniform, recognized medium for the exchange of products, produce this result.

If Congress, at its present session, should provide, by law, for paying the officers of the federal government and of the army, in coin, while the people were compelled to receive paper, it would require no prophetic vision to perceive that such a distinction would be productive of great injury to property and labor. The authorities would be virtually discrediting the nation and weakening the public confidence, and the present difference in value, between coin and paper money, would inevitably be greatly increased. Yet it is apparent, with the present inflation of prices, that the fixed salary of a government employee is not equal to more than one-half of the same amount, when paid upon the standard of four years ago. The increase

in the cost of living is general, and all persons or officials depending on a stated salary are affected by it alike, or nearly so. Now, if one class of public officers are to be paid in coin, may not others with equal propriety claim the same compensation. Is an office like that of Governor, requiring the best talent and ability of the State, and tasked by the emergencies of the nation with more than ten fold its ordinary duties, not as justly entitled to pay upon this basis as any other office? It is clear that the same reasons that are urged for paying the salaries of the Judges in coin, could be pressed with equal if not greater force, in behalf of other officers of the State government, and that the adoption of the measure prayed for by the petitioners would be but the entering wedge to a general system affecting the uniformity of the currency, and creating one standard of value for the people, and another for public officers.

In sister States, similar suggestions for the payment of State officers and members of the Legislature in gold, have already been made, and it is easy to see that the inauguration of this policy would be but the beginning of a series of blows at the national currency, under the effect of which it would rapidly depreciate until it might become almost as poor and worthless as the rags and shinplasters that rebeldom has dubbed with the euphonious title of "confederate currency."

The power to coin money and to provide a common circulating medium for the nation has been delegated by the States to the general government. In the exercise of that power Congress has made treasury notes lawful money and a legal tender in payment of debts. These notes, now in general circulation throughout the land, have almost wholly superseded the use of coin. They are made the standard of value, and the State, as well as individuals, is bound to receive them in payment of all debts for the amount they claim to represent. The State therefore has no power to collect its dues, or any part thereof, in coin alone. All of its books of account and its receipts and expenditures are based upon the currency of the government. If it require coin now for any purpose, it must, by its agents,

go into the market and purchase it precisely as an individual would, at its market value. Gold and silver coins, as well as other articles, have a value regulated by the supply and demand. Sometimes we have seen silver scarce and gold in abundance. Silver coin would then command a premium, as all coin does at the present time, but the standard of currency was not changed, and the silver dollar in a legal sense was of no more value than one of gold. It will not be presumed that the State authorities would have a right to purchase silver coin at a premium on gold coin to pay to their agents. Nor can we presume that the Legislature has any right under the Constitution to authorize the appropriation of money for the purchase of currency of a higher and different market value from that created by the government, and in general use, with which to pay the officers and servants of the commonwealth.

In our opinion the measure proposed by the petitioners is clearly unconstitutional. There are now eleven Circuit Judges, whose salaries under the constitution, amount to sixteen thousand five hundred dollars. The present value of coin is about double that of the legal paper currency. To carry the proposed law into effect, it would be necessary to appropriate thirty-three thousand dollars from the State treasury. The books of the State Treasurer must then show that thirty-three thousand dollars has been paid from the treasury for a purpose for which the constitution allows sixteen thousand five hundred dollars only. No breach of that instrument could be more open and palpable; and if at some future time action should be brought against the Treasurer for thus misappropriating the public moneys, he could not possibly shield himself behind any law we might pass. If it be said that the constitution is not violated, because the amount actually paid to the Judges is but the sum mentioned in the constitution, the answer is, that this is but an attempt to accomplish indirectly what that instrument does not allow to be accomplished directly. If three thousand dollars is taken from the State treasury to pay a Judge, when the constitution allows fifteen hundred only, the

unlawful character of the act is not diminished by the amount being first handed to a Wall street broker, who gives the Judge an equivalent. It is still palpable—and the books of the State Treasurer show the fact—that three thousand dollars have gone to pay the salary, and it is wholly immaterial through how many hands it passed after leaving the treasury before it came to the Judge. His compensation, when it reaches him, is double what the State Treasurer could lawfully pay him from the funds received at his office. And if constitutional provisions can be thus evaded, a premium is offered for circuitous and indirect legislation, and he will be the most successful statesman who best succeeds in importing into these halls the practices of the stock jobbers and money changers.

But it is said that coin was the standard when the salaries of the judges were fixed, and when they entered upon their official duties; and that payment now in paper changes the value of the salaries, and that there is no power to substitute this paper money as payment to these officers, at a higher rate than its intrinsic or coin value. If this proposition is correct, it will apply, with equal force, to persons holding office in all departments of the State government; and all whose salaries were fixed upon the coin standard, should still be paid on that basis. We cannot assent to this doctrine, and believe it to be contrary to law and the practice and policy of the government.

As we have already seen, the States have no power to coin money or emit bills of credit. Congress establishes the currency and regulates the value thereof; and it has repeatedly exercised this power by changing and diminishing the value of coins. Thus, in 1834, gold coin was reduced, and again in 1837, both gold and silver coins were alloyed, and yet these debased coins were declared "legal tenders in payment for their nominal values." The actual value of the money coined previous to 1834, was much greater than the coinage of a subsequent date, and yet the power of the general government, to make this change, has never been denied, although, by the new standard, a dollar was actually worth much less than before, and the old

coinage commanded, and has ever since continued to command, a premium over the new issue.

Suppose a Federal or a State officer, holding office in 1830, and continuing therein until the present time, should insist that the authorities pay him in coin of the old mintage, or allow him a sum sufficient to make the new coin an equivalent therefor, does any one suppose that he could thus discard the government standard in common use, and receive for every dollar due him by virtue of his office, coin of the commercial value of one dollar and ten cents.

A few weeks since, the death of Judge Taney, Chief Justice of the Supreme Court of the United States, was announced. He was appointed to that high position during the administration of President Jackson, and continued to hold it until his decease in October last. During the time that he was Chief Justice, Congress, by repeated acts, diminished the value of coin. The issues of the mint when he came into office were much purer and finer, and of greater intrinsic value than the coinage of the twenty years preceding his death. It will hardly be contended that he was entitled to payment for his services in coin of the particular stamp that was current when he came into office, or in an equivalent for the absolute value thereof.

Yet, if we are correct in our understanding of this question, an argument in support of such a claim, would be similar to the reason assigned for this allowance to the Circuit Judges—the only difference being that paper instead of debased coin is in the latter case made the standard of value, while the right of Congress to make its paper issues lawful tender as money, will hardly, we think, be disputed after a decision affirming that right by some of the best judicial tribunals in the land.

In delivering an opinion in the cases of the Metropolitan Bank *et. al.* vs. the Superintendent of the Bank Department, and Lewis H. Meyer vs. James J. Roosevelt, in which the New York Court of Appeals declared the act of Congress authorizing the issue of legal tender notes constitutional, Mr. Justice Wright says; "My conclusions are that the act of Congress,



approved on the 25th of February, 1862, is not, in any of its features, unconstitutional. The clause objected to, which makes the notes issued by the Government lawful money, and a legal tender in payment of public and private debts, was not outside of the measure of the authority given to Congress in the execution of its powers. In carrying into execution the power to borrow money on the public credit, (if in the execution of no other specified power,) it was fully justified as a means. There is no prohibition of the use of such means in the Constitution, and Congress, in executing the great governmental powers conferred by that instrument, may use any modes or means not prohibited, most fit and appropriate in its judgment, whether directly or indirectly conducive to the attainment of the end of the power. That the public exigencies required a resort to the particular means complained of, is most manifest, though that was a question to be determined by Congress."

Fully impressed with the fact that the salary paid to a circuit judge is beggarly and mean, and that when the sum was established it was not, never has been, and is not now an equivalent for the services required; while also regarding it as of the utmost importance to the public interests that such an amount should be paid as shall retain and secure in this important branch of the judiciary, men of the highest learning, talent and moral worth, upon whose wisdom and integrity the people of the State can confidently rest for a clear and faithful exposition of the law on all those rights of person and property, which must of necessity, in a popular government like ours, be submitted and entrusted to the judicial department, and fully satisfied that great injustice is being done by the meagre compensation paid to these judges, we are nevertheless unwilling to take one single step in a direction that seems to us not only to go beyond the limits of the State Constitution, but to expose us to dangers which may affect the stability of the national currency, and undermine that faith in the Government which is essential to carry us safely and triumphantly through the trials and perils of the great struggle in which we are now engaged.

We cannot consent to take upon ourselves the responsibility of recommending a measure that we believe is likely to be productive of far greater evils than the wrong it proposes to remedy. A false step in this direction cannot be retraced, and when once taken wisdom and patriotism may not be able to repair the injury. A prudent and cautionary policy in respect to all matters affecting our finances, is, in our judgment, pre-eminently wise and proper at the present time. "It is better to bear the ills that we have than to fly to those we know not of."

The Constitution of this State provides in Sec. 1, of Art. 20, the mode of amendment, and that the proposed amendment "shall be submitted to the electors at the next general election."

The power to designate the general election is left with the Legislature. By reference to section 3366 of the compiled laws, it will be seen that the Legislature has provided that the election to be held on the first Monday of April next, shall be a general election.

Your committee are of the opinion that an amendment to the Constitution, providing a just and fair compensation for the circuit judges may, be lawfully submitted to the people of the State at the ensuing spring election.

They therefore, for the reasons above set forth, have come to the conclusion, that the prayer of the petitioners ought not to be granted, and respectfully recommend the adoption of the following resolution:

*Resolved*, (the House concurring,) That the select joint committee on amendments to the Constitution, be and they are hereby, directed to report at as early a day as practicable, a joint resolution proposing an amendment to section 1, of article 9 of the present Constitution, increasing the compensation of circuit judges to such a sum as said joint committee shall deem just and equitable, so that said amendment may be agreed to by the Legislature, and submitted to the electors of the State at the general election to be held on the first Monday of April, 1865.

C. M. CROSWELL, *Chairman.*

[ N. 8. ]

REPORT of the Committee on Agriculture and Public Instruction, to whom was referred a bill to establish a branch of the Agricultural College in the Grand Traverse country.

The committee on agriculture and public instruction, to whom was referred

A bill to establish a branch of the Agricultural College in the Grand Traverse country,

Have had the same under consideration, and have unanimously instructed me to report a substitute therefor, and recommend that the substitute do pass, for the following reasons:

It is right. The lands donated by Congress, and granted by the State for public education, public institutions or public interests of every kind, have been mostly drawn from that portion of our State north of the D. & M. R. R., and the lands appropriated for agricultural education have been entirely taken from the Grand Traverse and adjacent localities.

These appropriations have greatly benefitted the southern portions of our State in regard to education, population and many other interests, while the selection of these lands from the north has hindered the settlement of that portion of the

State, and will continue for generations to be a detriment to the people who are now there.

By reason of R. R. grants, but more especially of the recent grant to the Agricultural College, a very large proportion of the best lands in the Grand Traverse country are held out of market, and at the prices established by law, they will remain a wilderness for a long period in the future; hence the settlement of that portion of our State is prevented, and the State is deprived of the increase from taxes which would be paid by resident farmers and mechanics.

We believe it was the design of those who were active in procuring the grant from Congress to have that grant so expended that it would aid in the education of the agricultural and mechanical workers in all portions of the State; but the northern portions of the State can never be thus benefitted by the grant of Congress, unless an Agricultural College, or a branch of the Agricultural College be located in that region, for the following, among other reasons:

1. The soil of the Grand Traverse country and of the Northern Peninsula is different from that of the central and southern portions of the State, and hence different methods are required for successful cultivation.

2. The climate of the northern is quite different from that of the central and southern portions of the State; hence, youth coming from the north, would have to undergo something like an acclimation before they would have firm health to pursue their studies in the south. This would be true, generally, not that the southern portion of our State is unhealthy, but because of the stimulating qualities of our northern climate. The life forces are depleted at the south, and the loss of vitality in the air produces a species of debility for a time, which all feel who come from the north to tarry during summer in the interior of our State.

3. The vegetation, likewise, of the north differs in many respects from that of the south. As an instance, the single shrub or vine popularly called ground hemlock, covers whole

townships in the Grand Traverse forest, while it is scarcely known in more southern latitudes.

4. The distance that the youth of the north would be removed from the Normal School and Agricultural College, would prevent the common farmers from sending their sons. Farmers desire their sons near home, on account of travel, vacations, and expense of boarding. The expense would be greater to send from Grand Traverse to Lansing, than to send them to Wisconsin; and this, with the fear of ill health, would probably induce the youth generally to cross the lake to a nearer school, and one in a region more assimilated to their own climate. And it is at least certain that while scholars from the northern peninsula would come to the Grand Traverse region, they would seldom come to the southern portions of the State.

If nothing be granted to the north in this respect, the wrong will become more apparent every year, as population determines to that quarter. It will then be seen that while the land was mostly taken from the north to plant institutions in other portions of the State, nothing was done for that region from whence the resources were derived; and when the land is all exhausted, as it soon will be, nothing can be done without taxing the State treasury.

5. What shall be done in this matter, should be done quickly. The scrip granted by the general government for agricultural uses to States that have no public lands, will be laid upon lands in the Grand Traverse country for the purposes of education in other States, and our best lands will be closed against settlers more than they are now.

It is the sons of those who have toiled as pioneers to open the new lands of our State, that most need and deserve the benefits of the education accruing from the agricultural land grant; but if something is not done until the lands sell for two dollars and fifty cents per acre, the benefits will be lost to the children of the first settlers in all portions of the State; while if proper distribution of the fund be granted, and if

proper efforts be made, both the present and future generations will be benefitted.

The people of Grand Traverse, cannot, without great expense, send our youth to the Normal School supported by the State. We are equally removed from the University, the Agricultural College, and other institutions at the south. For the preparation of teachers, therefore, we must depend on ourselves. Now, as the educational interests for the benefit of the southern residents in our State has been mostly taken from the north, may we not hope for a united vote in granting this small measure of benefit, as proposed in the accompanying bill.

All of which is respectfully submitted, and the committee ask to be discharged from the further consideration of the subject.

S. F. BROWN, *Chairman.*

[ No. 9. ]

MINORITY REPORT of the Judiciary Committee, relative to  
the salary of the Circuit Judges.

The minority of the committee on the judiciary, to whom was referred the petitions of the bar of various counties, praying the Legislature to pay the circuit judges in gold, or its equivalent, begs leave to submit the following report:

A large number of the attorneys at law from various counties having petitioned the Legislature of this State for the passage of a law providing that the circuit judges should be paid their salaries in coin.

A majority of the committee on the judiciary, to whom the same were referred, report adversely to said petitions, on the following grounds:

1. That we are in the midst of a civil war, which imposes great burthens on all classes of the community;
2. That such a measure would tend to discredit or depreciate the paper currency;
3. That paper, being made by act of Congress, legal tender, it should be the exclusive medium of payment;
4. That such a measure would be unconstitutional, because

it would pay more than the constitutional salary, measured by the standard of paper legal tender.

These reasons are not satisfactory to the undersigned. The salary of the circuit judge is fixed at \$1,500 by the Constitution. The circuit judge is also inhibited from taking any other public office during the term for which he was elected, and for one year thereafter.

It is conceded, by the majority report, that this salary was at all times too low; and that, paid in paper legal tender, it does not now really amount to more than one-half the nominal sum.

This certainly presents a condition of things that demands redress. In our system of government, every man is interested in maintaining a judiciary of the highest order. We look to the courts for the vindication and protection of our dearest civil rights. We need our best men on the bench. But we cannot have them there unless we give them such compensation as will afford a fair and adequate support.

Now, when the Constitution fixed the salaries of the circuit judges, gold and silver coin were the standard. That was the measure which fixed the value of the salaries. The judges are entitled to receive that value still at our hands; and to pay this salary in gold and silver to-day, is not to give them any greater value, for these metals have not risen. They are worth no more in the market than they were in 1850, the time when our Constitution was adopted. Indeed, there has been probably a slight decline, on account of the increased supply of the precious metals.

Looking, therefore, at the measure in the light of equity and morals, it is clear that it is strictly just. The judges would only receive the value which was solemnly pledged to them.

It is said that the country is in war. True. But the judges are citizens also, and bear equally its burdens with the rest of the people. They pay their proportion of all taxes, and take their share in all privations. But if you pay their salaries in a depreciated currency, you impose on them a special burden.



If you pay the farmer in depreciated paper, he raises the price of his produce. So with the merchant, the manufacturer, the mechanic and the laborer. If the salary of the judge was raised in the same ratio, then he would have no cause of complaint.

But his wages are fixed. It is just that the farmer, the merchant and laborer should raise their prices as a paper currency decreases. Would it not be an outrage to require the farmer to sell his wheat to-day for the same price, in paper, that he sold for gold five years ago? Yet, is that not exactly what we now do to our circuit judge?

It is idle to pretend that such a measure would depreciate the paper legal tender. The trouble is, the depreciation already exists. Depreciation of a paper currency depends on no such considerations.

The simple truth is, that paper money contains in itself no intrinsic element of value. Its own value is always measured by something external to itself. For all practical purposes, as a currency, coin furnishes that measure in all civilized countries. The value of a paper currency will always depend on the relations which it bears in actual use to coin. If its quality is so limited that it can be used in actual business as an equivalent for coin, it will stand at par; and just as it recedes from that point, depreciation will take place. This is a national law, and wholly independent of our action here.

No confidence resolutions passed by us, can give our paper currency any vitality or value. It is true that Congress has made paper a legal tender. The validity of this act is strongly doubted. For my part, I unhesitatingly repudiate it.

The Constitution of the United States, as I read it, is a hard money Constitution; it knows no *legal money but coin*.

It gave Congress authority to coin money. It did not give them authority to make paper money.

A treasury note is not money, it does not even pretend to be, on its face it is only a *promise*—a promise to pay so many dollars at a specified time. It refers to that, which is money *out-*

*side of itself*; if it was in and of itself money, it would not do this. Gold has no place of redemption, its existence is as wide as the universe, and mankind its bankers. The framers of the Constitution were as thoroughly hard money men as the world ever knew.

They had felt the effects of a paper currency—"pestilent effects," as Madison describes them. To see how they stood in this matter, one only needs to consult Elliot's Debates, the Federalist and the Madison Papers.

I do not know what our courts may do. But this I know, that they cannot sanction the paper legal tender law without preferring the inspiration of these days, to that of the founders of our republic.

But even if the law is valid, it still leaves gold and silver legal tender. We can pay our debts in them if we are honest enough to do so.

As I have already said, gold and silver have not risen. A judge's salary in gold, is to-day no more in actual value than we solemnly agreed to pay. Nor is there anything in the pretense that the proposed measure would be in violation of our Constitution. Fifteen hundred dollars in gold is still, in spite of the paper act, so much legal money and no more. Certainly the State can pay its dues in any lawful money—it is not prohibited to pay in coin. Congress as yet have not prohibited specie payments. And in this case, when all concur in the justice of the measure, all should be glad to use that money, which will in equity most exactly discharge the debt. Besides this, the Federal Constitution expressly declares, that *no State shall make anything but gold and silver coin a legal tender*.

As a State, therefore, we are fairly bound to pay our dues in coin. Our promises were made with that meaning, and good faith requires that the loyal and patriotic State of Michigan should keep its promises as made.

The majority also contend that as paper is the legal tender provided for ordinary business, so it ought to be in the payment of salaries. I have already pointed out the distinction.

The laborer justly asks and receives two dollars a day, *because* he is paid in depreciated paper. Pay him in *gold* and you can have the same labor for one dollar.

But a judge has no such freedom. His salary is fixed, and as the State holds him to the old contract price, so, in justice, it should adhere to the old medium of payment.

The majority of the committee further allege, that even gold and silver is subject to change in value, and that this has been done by Congress within a few years; also that it is competent for Congress to carry this to the extent of debasing the coin. These propositions are true; however, if we examine them for a moment, we shall see that they furnish no sound argument for the majority; for the actual change of value in gold and silver coins, by the change in the value of these metals in the markets of the world, is only a small percentage in any one generation. This probable change is one always contemplated, and is so small as to be of no practical account in single transaction. The actual change in the legal value of our coins heretofore made, have been merely to readjust them to the market value of these metals in the markets of the world.

Congress may, it is true, debase our metal currency, but this is to suppose it to do an act of the last infamy. No nation, for many years, has dared to do this; and, in fact, no nation can now do this without decreeing its own ruin.

The trade of the world now so embraces all nations as to make such an act a practical improbability.

Suppose a nation should debase its coin, and pay debts incurred by another standard, it would be but one form of repudiation. Is any one here prepared to justify that?

If this government owed a foreign government a debt, is there a Senator here that would uphold our government in paying the debt in legal tender paper? Nations know no currency, in their deal with each other, but gold. Yet this is what we practically do, where we pay the judges in paper money.

The majority of the committee poetically admonish us that "it is better to bear the ills that we have, than fly to those we

know not of." If they contemplate a lower depreciation of paper money, we accept the appositeness of the quotation; but if the inference is that there are ills in the return to a sound Democratic currency, whenever law admits and justice demands, we deny the proposition. As well might you warn a sick man of the evils of a return to health.

The use of a gold and silver currency, as a standard of value, is as near perfection as we can reach, in that direction.

After peace, with restoration of Union, no greater boon can be conferred on the country than a return to a currency on the basis of gold and silver. Every step in that direction, is both wise and timely.

For these reasons, the undersigned cannot concur in the report of the majority. The means to do justice is within our own reach, without amending the Constitution. The times press heavily upon our circuit judges, and we should grant them immediate relief—which is, pay the salaries in the currency known to and in use when our Constitution took effect.

Your committee would therefore recommend the adoption of the following joint resolution:

**JOINT RESOLUTION for the relief of the Circuit Judges.**

*Resolved*, (the House concurring,) That the Auditor General be and is hereby directed and required, (until otherwise ordered,) to draw his warrants on the State Treasurer for the payment of the salaries of the circuit judges, payable in coin, and said Treasurer is hereby directed to pay the same.

All of which is very respectfully submitted.

**HUGH McCURDY,**

*Minority of Judiciary Committee.*





[ No. 10. ].

COMMUNICATION from the Auditor General, relative to the  
Internal Improvement Lands granted by Congress to this  
State in 1841.

AUDITOR GENERAL'S OFFICE, }  
Lansing, January 27th, 1865.

HON. E. O. GROSVENOR, *President of the Senate:*

SIR—In compliance with the following resolution of the  
Senate:

*“Resolved,* That the Auditor General be required to furnish  
to the Senate:

1st. The amount which the State has received from sales of  
the internal improvement lands granted by Congress to this  
State in the year 1841, in cash, and cash indebtedness of the  
State, under the provisions of act No. 42, of laws of 1843, and  
act No. 68, of laws of 1844, from the passage of those acts to  
the 16th day of February, 1857;

2d. The amount which has been received in cash from the  
sale of said lands, year by year, from the 16th day of February,  
1857, to this date;

3d. What money appropriations, proceeds of said lands,

have been made and expended from the internal improvement fund, for the construction of roads, railways, bridges, canals, and improvement of water courses, and draining of swamps, from the year 1843 to 1864, inclusive;

4th. What amount of warrants, payable in land, have been drawn for appropriations for the construction of roads, bridges, improvement of rivers, etc., up to this date, and what amount of the same have been located;"

I herewith submit the following communication:

1. Amount received in land warrants.....	\$498,375 18
"          "          cash or cash indebted-	
ness,.....	113,388 92

Total amount sold to February 16, 1857,....	<u>\$611,764 10</u>
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2. The amounts received, in cash, year by year, from February 16, 1857, are as follows:

For 1858,.....	\$95 87
" 1862,.....	22 90
" 1863,.....	1,915 35
" 1864,.....	1,497 69
" 1865 to date,.....	500 00
Total,.....	<u>\$4,031 81</u>

No receipts in 1859, 1860 and 1861.

3. Appropriations under act 147, 1857,.....	\$50,000 00
"          "          act 148, 1857, for roads	
in Oakland, Genesee, Tuscola and Saginaw	
counties, 5,000 acres, but as act 80, 1859, au-	
thorizes the sale of these lands, proceeds to ap-	
ply to the road, the appropriation virtually	
becomes a cash grant, of.....	\$6,250 00

Totals,.....	<u>\$56,250 00</u>
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4. Amount of land warrants drawn to date,....	\$503,684 03
Amount of land warrants paid,....	\$501,425 41



Amount of land warrants outstand-

ing,.....	2,258 62	
		<u>\$503,684 03</u>

Allow me to call, in this connection, the attention of the Senate to "Senate Document No. 14, 1861," which corrects some errors in "House Document No. 12, 1857."

Very respectfully,

E. ANNEKE,  
*Auditor General.*



[ No. 11. ]

**PROTEST** of Senator Nevins, against the passage by the Senate of a bill to provide for County Superintendents of Schools, and to amend certain sections, and to repeal certain other sections of the Primary School Law.

Mr. Nevins, previous notice having been given, asked and obtained leave to offer the following protest, and have it entered upon the journal:

Believing that the passage of Senate bill No. 24, being

A bill to provide for county superintendents of schools, and to amend certain sections of the primary school laws, and to repeal sections 74, 85, 86, 87, 88, 89 and 90, of chapter 78, of compiled laws,

Is an act injurious to the people, the undersigned would dissent from and protest against such act. Being friendly to a revision of our primary school laws, and favorable to the ostensible objects of that bill, after having labored vainly to effect what seemed to me to be vital and necessary changes in its character, nothing is left me but to protest against the act of its passage.

The best educational systems are those which disseminate

learning among all the people. However desirable it may be to bestow the benefits of a highly superior education upon those who have the means and the inclination to possess it, the greatest good comes from giving *some* education to *all* the people; and the more education that is given to all the people, the greater is the benefit conferred.

The main object of substituting a county or district superintendent of schools, in place of the township inspectors, is to get more efficient officers, and more time and attention devoted to the special duties pertaining to their offices. If, in endeavoring to do this, we place a greater tax upon education, a heavier burden upon the poor districts, and onerous and needless restrictions and requisitions upon the majority of teachers, some of the prime objects of the change are defeated.

In the existing laws, the inspectors are required to meet in each township three times in each year, for the examination of teachers, while in this bill the superintendent is only required to visit each township once a year, for the same purpose. In the existing law, the inspectors are required to designate one of their number to visit each school once in each term, during the year, while in this bill the superintendent is only required to perform the same duty once a year. In some of the counties of the State, the superintendent could scarcely do more than this, with the other duties assigned him.

The provisions of the bill passed by the Senate restrict the life of the certificate given to the third grade of teachers to six months, while the superintendent is not required to visit the townships, for the purpose of examining teachers, only once in each year. In many of the newer townships, next to the want of means to pay superior teachers, is a great want of teachers of any grade. If it be the object of the bill to get rid of all teachers of a low grade, who have heretofore been supposed to be of value to poor and backward districts, the effect will be to lessen the supply of teachers, until many schools in the rural districts must be untaught; or, to avoid this difficulty, the superintendent will constantly be tempted to place in the second grade,

giving the range of the whole county for one year to those who are not qualified, but who may be found valuable—nay, indispensable, in their respective townships, thus destroying the very efficiency the bill was intended to promote.

Another great objection to this bill is, that it makes necessary the reëxamination of the teachers of the third grade every six months, without providing the opportunity for such reëxamination. The lamentable and destructive war which we, as a people, are waging, is fast reducing our teachers to a class of females, who are hereafter to be our main dependence, in the rural district especially, for both summer and winter schools. Many of them will be compelled to travel many miles, and to uncertain places, to reach the Superintendent, for reëxamination, and then to pay him, out of their scanty earnings, for the extra time he devotes for their benefit. Shall we levy a *tax* upon education, rather than make it *free*? Shall we burden the young teacher with labor and expense—the avails of which labor, and the sum of which expense, would otherwise have been devoted to her own education—by a senseless and arbitrary restriction? Let us rather aid and encourage our young women to fit themselves for usefulness, in almost the only avenue which prejudice leaves open to them, in which to compete with the sterner sex.

Another provision of this bill takes from the primary school fund, apportioned to each county, a sum equal to one dollar for every school district in the county, to pay toward the salary of the superintendent. This is more a violation of principle than a wrong of magnitude. It is a discrimination in favor of capital, and against the principle of making education free. It takes money to pay toward the salary of the superintendent, which the constitution contemplated should go toward making education free to all. Might we not, with equal propriety, take the primary school money to build school-houses, purchase black-boards, globes, maps or charts?

Another ground of protest is, that the expense of the proposed system is out of all proportion to the benefits likely to be

conferred. In the settled counties, the number of districts will probably average 150. The school inspectors visit these districts *twice a year*, at a cost of \$300. The superintendent, to give them the same attention, will receive \$1,200. All other expenses of the proposed reform (?) are in like proportion. But perhaps a worse feature than the additional expense, is the possible restriction of the superintendent to *one day only* in which to visit each school, during the year. In many of the counties, one officer cannot possibly do more than this, for want of time.

This protest is not against a well regulated system of county or district superintendents, but as against the action of the Senate, as tending to establish a law, the benefits of which are of a doubtful character, while its requirements are arbitrary, its restrictions onerous, some of its provisions fundamentally wrong, and its expense burdensome.

J. M. NEVINS.

[ No. 12. ]

REPORT of the Committee on the Reform School.

The committee on the Reform School ask leave to report, that it has visited that Institution and found it in the very best condition. The school rooms are well arranged to promote the comfort and health of the scholars, and cleanliness, neatness and good order is a most commendable feature of the Institution, throughout.

The Reform School is one of the noblest institutions under the care of the State. It will, however, draw somewhat heavily upon the treasury. The expenditures for the years 1863 and 1864 exceed the appropriations in the sum of \$14,000. When it is taken into consideration, of the unprecedented rise in every article of subsistence and apparel, if there is any surprise, it is, that the deficit is not larger. It is believed there has been no want of economy in the management of the Institution. An appropriation is required to meet the deficit.

To defray the estimated expenses of the Institution, for the years 1865 and 1866, the sum of \$22,000 will be required for each year. The aggregate is very considerable; but when we

consider the condition, the large number of boys admitted, and that many will be thoroughly reformed, and that no one can fail to be greatly benefited by the religious, moral, industrial and educational training which he receives, it is confidently believed, that the noble charities of the State will be repaid many fold—that many will go from the School established in habits of sobriety and industry, and mentally and morally qualified to discharge the duties of life acceptably to society. Twenty-seven of the number released during the last year were “discharged as reformed.” This result is most gratifying, and enables the friends of the School to entertain the sanguine hope that the Institution will be eminently successful in the future under the care of the Legislature.

Under the present law, boys are sentenced to the School of the age of two years and upwards, and are sentenced until twenty-one years of age. By good deportment, the scholar obtains a certificate of honor, and in many instances leaves the School in less than two years.

Considering the success of the Institution, under the management of the present efficient Board of Control, and the Superintendent, eminently adapted in every particular to discharge the arduous and responsible trust confided to him, a change in the laws governing the institution, is deemed unadvisable.

It being necessary for the Legislature to provide means to discharge the present indebtedness, and also for the years 1865 and 1866, bills for the required appropriations are herewith very respectfully submitted.

WARREN CHAPMAN, *Chairman.*







[ No. 13. ]

MEMORIAL of the Ypsilanti Woolen Manufacturing Company.  
*To the Hon. Senate and House of Representatives of the State  
of Michigan:*

Your memorialist, the Ypsilanti Woolen Manufacturing Company, respectfully represents that said company has organized under the laws of Michigan, with a capital of \$100,000, and has capacity for the employment of 100 laborers, the consumption of 100,000 pounds of wool, and the manufacture of 80,000 yards of full-cloth annually. Your memorialist respectfully asks your honorable body to enact a general law for the encouragement of associations for the manufacture of woollens, by imposing a specific tax of one-half of one per cent. on the capital stock paid in, in lieu of all other taxes.

The extension of this important manufacture is of great interest to the State, the climate rendering woollen clothing necessary the greater portion of the year, and because it furnishes the producer a ready home market.

Michigan now raises one-tenth of the wool grown in the United States. Her wool, in 1863, amounted to 7,249,934 pounds, an increase in the past four years, of 3,187,076 pounds, with a prospective increase for the next ten years, of 1,000,000

pounds per annum. The following facts, compiled from the census of 1860, will show our standing to-day in the woolen manufacture, and is an index as to how our material interests demand that we should stand.

In 1860 the wool sheared in the United States was returned at 60,511,343 pounds. The quantity of wool manufactured in the nation was 80,386,572 pounds, thus evincing to us the important fact that our country manufactured one-fourth more wool than it produced.

In the same year the wool clip of Michigan was 4,062,858 pounds, and she manufactured but 223,100 pounds, or less than one-eighteenth of what she raised.

The balance was sent abroad for manufacture, then to be returned to the producer of the raw material, with the cost of transportation, the per centage of the wool buyer, manufacturer, jobber and wholesale dealer and retailer added, and the poor man of our own State, robbed of the labor which should have been justly his due. Had Michigan manufactured all her wool, her profits therefrom would at least have been doubled.

That community are most thriftless who export the great proportion of what they produce, and import the larger part of what they consume.

Some may increase in wealth by the double transportation, and its changes through many hands, leaving a profit in each; but it is evident that the original producer pays the expense.

In 1860 the capital invested in the woolen manufacture in the United States, was \$35,520,527; pounds of wool used, 80,386,572; value of raw material, \$40,360,300; number of spindles, 639,700; number of looms, 16,075; male hands employed, 28,780; female hands employed, 20,120; annual cost of labor, \$10,927,877; value of products, \$68,865,963.

At the same period the statistics of Michigan in woolen manufactures were: Capital invested, \$139,500; pounds of wool used, 223,100; value of raw material, \$91,090; spindles, 1,000; looms, 20; males employed, 98; females employed, 50; annual cost of labor, \$38,316; annual value of products, \$174,398.

Taking the statistics of woolen manufacture in the United States in 1860, as a basis, it would be useful to ascertain what we require to manufacture 8,000,000 pounds of wool now raised in Michigan. The clip equals one-tenth of that manufactured in the nation in 1860, and would require one-tenth as many looms and spindles, thus giving the following exhibit for Michigan: clip of wool, 8,000,000 pounds; capital invested in manufacture, \$3,552,052; spindles, 63,970; looms, 1,607; males employed, 2,878; females employed, 2,012; annual cost of labor, \$1,092,787; annual products, \$6,886,596. The present enhanced value of wool and labor would require greater investment of capital, larger amounts would be paid for labor, and the annual products would correspondingly increase in value. By the encouragement and extension of such manufacture, a door would be opened for thousands of our gallant soldiers, whose constitutions have been war-worn in the service of their country.

Our water power is ample for present use, and when all shall have been occupied, we can feed steam power with 25,000,000 acres of firewood, and 7,000 square miles of coal. Your memorialist would also represent, that notwithstanding the great increase in wool in our State, her manufactures have decreased since 1850, in value, from \$192,043 to \$174,398, strongly indicating that such manufactures need legislative aid. Such aid was given our mining interests, and the benefits thereby secured are too well known to need repetition.

In 1859, the Legislature offered a bounty for salt manufactured in Michigan, and in less than six years the annual products of Michigan salt exceeded \$1,000,000. In view of the foregoing facts, your memorialist asks your honorable body to enact such a law as is heretofore set forth, if, in your judgment, it shall not materially detract from the interest of our great and growing commonwealth, and more especially if it shall, as your memorialist believes, add greatly to the prosperity of our State.

C. CORNWELL,

*President of the Woolen Manufacturing Co.*

YPSILANTI, February 1, 1865.



[ No. 14. ]

REPORT of Committee on State Affairs, relative to the claim of David W. Noyes, Loren Andrews, Unn Miller and Hiram W. Miller.

The committee on State affairs, to whom was referred House joint resolution No. 13, being

A joint resolution for the relief of David W. Noyes, Loren Andrews, Unn Miller, and Hiram W. Miller, heirs at law of Joseph Miller, deceased,

Have had the same under consideration, and find that this resolution directs the Board of State Auditors to allow and pay to the heirs above named, any sum of money that may have been paid as rent on certain salt spring lands, situated in the county of Macomb, to the State, in year 1840, together with the interest until paid.

The sum claimed to have been paid as above is seventy-five dollars, to which add the interest for twenty-five years, to 1st January, 1865, is \$131 25, making a total claimed to the beginning of this year, of \$206 25. The parties above named now ask the State to refund said amount and interest, for the following reasons, viz:

1st. At the time of paying said rent the State did not own the lands, for the use of which the same was paid.

2d. If the State did own the lands, there was no law directing any State officer to lease them.

Your committee considered the question of title, and find that said lands upon which said rent was collected were granted to the State by act of Congress approved June 23d, 1836, on conditions, among others, that they should not be sold or leased for a longer term than ten years at any one period without the consent of Congress. The Legislature accepted said grant by an act approved July 25, A. D. 1836, and directed their selection, which selection was approved by the Department of the Interior, at Washington, on the 27th day of August, A. D. 1837. These acts, in the opinion of your committee, clearly settle the question of title, and establish the fact that long prior to the year 1840, when said rent money was alleged to have been paid, the State was the actual owner of said lands, and entitled to all benefits arising from their rental, though unable to sell the same or lease them for more than ten years at any one period without the consent of Congress.

Your committee further find that no other conveyance from the government of the United States to the State has ever been made of such lands, but consent that the State should sell the same was given by act of Congress approved March 3d, 1847, and under said grant and consent said lands have been sold.

As to the question raised by the parties asking redress, at our hands, that the rental of said lands was without authority of law, your committee report that they have been unable to find any act bearing upon the subject, save the clause in the act of Congress conferring the grant as hereinbefore mentioned, and the main question then, for our determination is, shall we review a transaction of the State, now twenty-five years old, and recommend that the money claimed to have been paid by these parties, or those they represent, shall be refunded on the sole



ground, that the Legislature failed to define the rule for leasing said lands, as contemplated, (by fair inference,) in said act of Congress.

This money was paid in 1840 when all the parties were supposed to know their legal, as well as equitable rights.

Subsequently, in the year 1849, the same parties who paid the rent now asked to be refunded, purchased said lands, and paid therefor the price fixed by our statute, thereby *prima facie* settling all questions pertaining to the rent or price of said land. There is no question in the minds of your committee as to the State having an equitable claim for rent upon its lands, if the use thereof is of any value, and the question of value must be for the party renting to determine.

Again: Should we open the door for claimants asking redress on the ground of equity, because the transaction on the part of the State was faulty for technical reasons? If wrong had been practiced on innocent parties, by error on the part of the officers of the State, no equities should be barred on account of age *only*. But in this case your committee are unable to find that the parties to the transaction in question were misled by errors which should not have been apparent at the time, and have therefore directed me to report the resolution back to the Senate, and recommend that it do not pass, and ask to be discharged from the further consideration of the subject.

D. H. JEROME, *Chairman*.



[ No. 15. ]

REPORT of the Committee on Claims, relative to the claim against the State for the improvement of the sand flats of the Muskegon river.

The committee on claims, to whom was referred the special message of the Governor, calling the attention of the Legislature to the claim against the State for the improvement of the sand flats of the Muskegon river, have had the same under consideration, and respectfully report that, on a full investigation of the subject, they have arrived at the following conclusions:

First, we find that the Legislature of 1857 appropriated fifty thousand dollars for the said improvements; that the Governor approved the act; that the commissioners appointed by the act advertised and let the contract, according to the terms of the law; that the Governor subsequently endorsed his approval on the contract and specifications, in accordance with the provisions of said act; that the Legislature of 1858 extended the time for the completion of the work, thus recognizing the validity of the act; that the work has been, in perfect good faith, completed according to the terms of the contract, and accepted by the commissioners and the Governor; and, that

said improvement has proved a meritorious one, and of great public utility, as is shown, after four years of service, by the reports of the commissioner of the State having the same in charge. It has thus received all the official sanctions which are necessary to make it an equitable and valid claim against the State. And your committee therefore fully concur with the Governor in the opinion expressed in his message, that, "Whatever technical or legal objections may have existed in the earlier history of this claim, to prevent the State from recognizing the contract with John A. Brooks, and from making payment under it, it would certainly seem that on no sound principle can the State now refuse provisions for its payment."

If the State had intended to repudiate the contract, or to avoid payment according to its terms, it was its plain duty to give notice to the contractor before the completion and acceptance of the work. It seems to your committee that the obligation of the State to pay, *in money*, according to the terms of the contract, is plain and unmistakable.

Such was also the unanimous opinion of the judiciary committee of the Senate in 1861, when this claim first came before the Legislature. (Senate Documents, No. 4, 1861.)

The next question which arises is, what is the proper mode of payment?

The appropriation was made from the "internal improvement fund," and it is evident that it was the intention of the Legislature, in making the appropriation, to appropriate the proceeds of the sales of the internal improvement lands, which had been sold by the State for cash, and the cash indebtedness of the State, which proceeds had not before been appropriated; and in so doing they were acting strictly within the provisions of the constitution, which permits the State to engage in works of internal improvement, in the expenditure of grants to the State for such purposes; for it appears that the act of Congress, which became a law on the 4th day of September, 1841, and was entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," by which

there was granted to the State of Michigan, as also to other States, five hundred thousand acres of land, (vol. 5, page 455, U. S. statutes at large,) contained the following provision:

"Section 9. The lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement, namely: roads, railways, bridges, canals, and improvement of water-courses, and draining of swamps," &c.

On the 14th of January, 1857, a bill was introduced into the Legislature of this State, entitled "a bill to provide for the improvement of navigation over the sand flats of the Muskegon River."—*House Journal*, 1857, page 75.

January 16th, of the same year, the House passed the following resolution, namely: *Resolved*, That the Auditor General be required to report to this House respecting the 500,000 acres of internal improvement lands, giving a full and complete statement of the various appropriations heretofore made for internal improvements, together with the object of the grant, the amount of land named in the several appropriations; also the amount, if any, which has been appropriated for any work of internal improvement, and not expended, from the years 1848 to 1855, inclusive." (*House Journal* 1857, page 97.) In response, the Auditor General, on the 29th of January, transmitted to the House, a statement at length, by which it appears that the State had located, under the act of Congress aforesaid, 494,103 77-100 acres of land, and had appropriated thereof, for internal improvement purposes, 408,661 70-100 acres, and that the State had sold for cash and the cash indebtedness of the State 85,442 3-100 acres, the proceeds of which had never been appropriated in accordance with the terms of the grant. (*House Documents*, 1857, No. 12.) Acting upon this official statement, as there is every reason to believe, the House passed the bill, and on the 16th day of February, act 147, session laws of 1857, was approved and became a law, which appropriated fifty thou-

sand dollars "for the improvement of navigation over the sand flats of the Muskegon river."

Subsequently, in 1861, after the completion of the work, the Auditor General reported to the Senate that there were omissions and errors in the report of 1857, increasing the amount of the land appropriations 157,895 29-100 acres. (*Senate Documents*, 1861, No. 14.) But as it appears from the amount of warrants issued, that a large share of the acts making these appropriations were not carried out, but have remained for seventeen years dead letters on the statute book, they cannot be accounted as expenditures under the grant, but are to be considered the same as though the acts had not been passed.

There has been much difficulty in getting at the facts necessary to a clear understanding of this matter, owing to the fact that this land trust, in keeping the accounts at the Auditor General's office, has been merged in that of the general internal improvement fund of the State, which in the balance of accounts for the construction of the Central and Southern Railroads and other works, and the sale of the same was left with a large debit balance on the books. This, however, should have no bearing upon the faithful execution by the State of the trust imposed by the terms of the grant. Had there been kept a separate internal improvement land fund account, as the primary school, University and swamp land accounts are kept, it would have enabled the Legislature at any time to determine when the fund was exhausted. Quite a general impression has prevailed that this land trust or fund was exhausted, which undoubtedly arose from the excessive land appropriations made in 1848, so many of which, as before stated, were never expended.

That this impression is erroneous is conclusively shown by the report of the Auditor General to the Senate, in response to the resolution of the Senate, adopted the 24th of January, 1865.

The Auditor's report, which we are assured has been prepared with great care and accuracy, shows that the total amount of warrants drawn for land against this fund is.... \$503,684 03

Of which there has been located, to January 16th,

1865, ..... \$501,425 41

Leaving outstanding, ..... \$2,258 62

That the amount of said lands sold for cash and cash indebtedness of the State to same date, is \$117,420 73. Of which proceeds there has only been appropriated, in accordance with the terms of the grant, including the appropriation for the improvement of the sand flats of the Muskegon river, \$56,250. (Senate Journal, January 27, 1865, p. 210.)

A communication from the Commissioner of the State Land Office to your committee states that there remains unsold of the lands selected, acres, ..... 2,167.80  
Add amount of lands-unselected, ..... 327.09

Total amount of acres unsold, ..... 2,494.89

The account then with this fund will stand thus:

500,000 acres of land, at \$1 25 per acre, amounts

to ..... \$625,000 00

Amount of land warrants issued to

January 16th, 1865, ..... \$503,684 03

Cash appropriations of the proceeds

of the sales of said land, ..... 56,250 00  
559,934 03

Balance unexpended, ..... \$65,065 97

Leaving a balance, after payment of appropriation for the Muskegon river flats improvement, of sixty-five thousand sixty-five dollars and ninety-seven cents unexpended, less the interest, which may be paid in the adjustment of the claim under consideration.

This exhibit seems to your committee to remove all reasonable objections, constitutional or otherwise, which have been urged against the payment of this claim, and they therefore recommend that the claim be referred to the Board of State Auditors, to audit and allow the same, with interest from the date of the acceptance of the work by the Governor; and what-

ever amount shall be allowed by them and paid on this claim shall be charged over to the internal improvement fund, and credited to the State on its indebtedness to that fund.

And your committee, pursuant to the foregoing recommendations, herewith introduce joint resolutions which they recommend do pass.

W. DIVINE, *Chairman.*







[ No. 16. ]

REPORT of the Finance Committee, relative to the memorial  
of Robert W. Cummings, praying for relief.

The finance committee, to whom was referred the memorial of Robert W. Cummings, praying for relief from expenses incurred in perfecting the title to certain swamp lands, report that our investigation into the subject matter of the memorial, shows the facts to be substantially as follows:

That in the month of April, 1858, Daniel L. Bently assigned to said Robert W. Cummings, a certificate for 33 acres of swamp land, situated in Lapeer county, and that said Robert W. Cummings, immediately after receiving said certificate, took possession of the land, and proceeded to improve it.

That in the month of July following, the Commissioner of the State Land Office notified said Cummings, by mail, that he had learned that fraud was practiced by Bently in obtaining said certificate, and that he had canceled it, and issued another certificate, for the same land, to one William H. Clark.

That on the 3d day of September, of the same year, said Robert W. Cummings submitted proof to the Commissioner

that Bently was authorized, by provisions of the law, for the sale of swamp lands, approved February 4th, 1854, to make entry of the land, and that no fraud had been practiced, but that the Commissioner adhered to his decision, and refused to consider the rights of said Cummings, whereupon said Cummings, fearing he might be ejected from the land by Clark, made a tender in gold coin to the State Treasurer, of the amount unpaid on said land, which was refused. That said Cummings made still further efforts to induce the Commissioner to reverse the decision by which the certificate was rendered void, but all to no purpose. He then commenced legal proceedings to perfect his title, in the prosecution of which he avers that he has expended the sum of \$342 40, on which he claims interest to the amount of \$107 86, thus making the entire claim amount to \$450 26, a large portion of which is for Attorneys' fees. From an investigation into all the facts connected with this subject, your committee are clear in the conviction that a wrong was done to Mr. Cummings by the Commissioner of the State Land Office, and the Supreme Court has so decided.

It does not, however, appear from anything set forth in the memorial, that Cummings was ever molested in the occupancy of the land, or that any proceedings had been instigated to evict him, but that he feeling that a doubt existed as to the title, and that he was liable at any time to be proceeded against by said William H. Clark, chose to commence legal proceedings himself, with the view to compel the State to perfect his title, and in so doing incurred the expenditure of the amount claimed. Your committee desire to say that while appreciating fully the anxiety of Mr. Cummings to have an undisputed title to his home, they are of the opinion that, he being in undisputed possession of the land, was not compelled to expend the amount of money claimed to have been expended, but should have defended his title when it was assailed, and not till then; but that having decided to take the initiative in the commencement of legal proceedings, is not entitled to relief to the amount claimed. The allowance of the entire

claim of the memorialist would, in the opinion of your committee, establish a precedent which would be unjust and dangerous, as it would encourage parties holding titles derived from the State, who feel that such titles are in the least degree imperfect, to institute such proceedings as might result in the expenditure of a sum of money exceeding the value of the property, with the expectation, as in the case of Cummings, that the costs and expenses of such proceedings should be paid by the State. Under all the circumstances of the case, your committee have decided to recommend that Mr. Cummings be paid so much as he might have necessarily expended in defending his title, and interest thereon, and with this view have directed me to report herewith a substitute for the joint resolution accompanying the memorial, and recommend that the substitute do pass, and ask to be discharged from the further consideration of the subject.

V. P. COLLIER, *Chairman.*



[ No. 17. ]

MEMORIAL of Hezekiah G. Wells, of Kalamazoo, against the removal of the Agricultural College.

*To the Senate and House of Representatives of the State of Michigan:*

The undersigned, a citizen of the county of Kalamazoo, and for four years past a member of the "Board of Agriculture," would respectfully represent that the proposition submitted to your honorable bodies by the executive committee of the State Agricultural Society, to remove the "Agricultural College" to some more eligible locality, should be carefully examined and thoroughly canvassed before the same is assented to and finally determined. "Save me from my pretended friends and I will hold in check mine enemies," might well be the exclamation of the authority having in charge the Agricultural College of Michigan. Professions of friendship have heretofore oftentimes preceded the attempt to injure and destroy. The undersigned would insist that the statements embodied in the long list of "whereases," preceding the resolutions adopted by the "executive committee of the Agricultural Society," are not established facts by any means; on the contrary they are the mere "fancy

opinions" of gentlemen, very respectable it is true, in their several positions in life, but seemingly with limited opportunities for observation on this, a subject of grave importance to the mass of the people, and reaching conclusions not very creditable to the intelligence of a body of men, who by some kind of fiction are supposed to exercise executive power and ability, after a proper show of thought, research, and thinking qualities.

The undersigned would not assert that the location of the "Agricultural College" is the best that could be made in the State of Michigan, but he begs leave most respectfully to insist that the averments in the preamble presented to the Legislature by this committee are not averments of facts, or even reasonable conclusions, to wit: that the College has thus far "failed to meet the expectations of its friends and to secure the sympathy and coöperation of the farmers of the State, for whose especial benefit it was created, from the simple fact of its unfortunate and inaccessible location." It will be recollected that the College was first opened for the reception of students in 1857; that it was planned and inaugurated before a single other institution of the kind existed in the United State; that it had no precedent from which it could adopt all that was good or avoid that which had been proved and tried as evil. With a boldness and confidence in ultimate good results, a former Legislature carried out the constitutional provision, and established the Agricultural College, estimating, undoubtedly, that in the lapse of time, practice would cure many difficulties resulting from inexperience. Admit that its location at the time made, was not as fortunate as might have been, that errors in its management have occurred, that large amounts were imprudently expended in the erection of the College, its boarding hall and dwelling houses for the professors, all this is far from establishing the fact that it now fails to have the sympathy of the farmers of the State.

The objection of "inaccessible location," is obviated to a certain extent, by the opening of the railroad from Owosso to Lansing, and the more recent completion of railroad communi-



cation from the Saginaw Valley to the Detroit & Milwaukee railway. Easy access is thus given to the people of a large portion of the State to reach the College, within the compass of twelve hours. A line of road is now in process of construction from Jackson to Lansing, with a certainty of completion before the next regular session of the Legislature. This done, and the phrase of the executive committee—"inaccessible location"—will have as little meaning in connection with the "Agricultural College," as I trust their resolutions will have force with your honorable bodies, in inducing legislative provision for its removal. Your own wise forethought has undoubtedly contemplated the extension of the Grand Trunk railroad from Port Huron to the southerly extreme of Lake Michigan; the character of the country intervening between these points, and the lines of railroad already constructed across the Peninsula, indicate that the city of Lansing will be a prominent point on this great thoroughfare. In view of the past, and the unfaltering confidence of your petitioner in the future power and progress of the American people, I believe this road, over the line suggested, will soon be constructed, and then, I have no doubt, the gentlemen who drafted the resolutions, and the Executive Committee of the State Agricultural Society, who in due ceremonial adopted them, will each and every one of them, deny that they ever used the phrase "inaccessible location," in connection with the Agricultural College.

Intending to be respectable to your honorable bodies, and desiring, more especially, not to make statements in this petition for your consideration, not in accordance with the truth, I do insist that the College has received careful attention from its managing board during the past four years; that it has been, during that time, steadily growing in favor with the people; that by improvements made in connection with its real estate; by reorganizing its labor system to some considerable extent; by changing the course of study so as to give more of the practical in its system of education, the College has actually made progress, and it bids fair, at no distant day, to become, in the estimate of all, an honor to the State.

In its history, one of the impediments to advancement has ever been the uncertainty of its continued existence; the student could have no guarantee, this year, that the appropriation would be continued for the next; he hesitated to enter an institution when the liability existed that his four years' course would be interrupted by a failure, on the part of the Legislature, to make the annual appropriation. This uncertainty is measurably past. The congressional grant gives the Legislature assurance that in the no distant future the sale of the 240,000 acres of land will furnish a fund munificent and ample to sustain a College where thousands of the young men of the country will be trained "in such branches of learning as are related to agriculture and the mechanic arts."

I pray your honorable bodies that prompt action be had on the question of the removal of the College, for while it is agitated, it interferes with the action of the Board of Agriculture in its arrangements for the current year.

In view of the fact that this College recognizes and acts upon the principle that manual labor is honorable, and with the knowledge that other of the States are now moving in the establishment of Agricultural Colleges, so as to avail themselves of the congressional land grants; that the ablest minds of the country are devising systems and plans by which the greatest good to the greatest number will be realized from these munificent donations; and more especially since God, in His good providence, is now in our day establishing the great principle throughout the South as well as the North, that labor is honorable and entitled to its reward, it becomes you, as legislators, to carefully move in all matters appertaining to the industrial interests of Michigan.

Your petitioner, with all due respect for the intelligence of your honorable bodies, would beg leave to suggest that the time is past for the consideration of the question as to whether the location of the Agricultural College was the most judicious that could have been made. The College farm is purchased and paid for; the buildings have been erected, and in extent

are sufficient to accommodate more than one hundred and twenty students ; an able corps of professors and teachers are now employed, all impressed with the idea, from present perfected plans, that during the coming two years, more of character can and will be given to the Institution, in the estimate of the people of Michigan, than during its whole former history.

Permit me here especially to invite your attention to the fact that a class of pupils, now in the common schools of the State, are looking forward to this College as the only place where, with the glorious privilege of self-labor, they can bring themselves forward to take position among the intelligent farmers, mechanics and professional men of their time. They are the sons of fathers, who in the storm of battle have gone down in defense of that flag, which this day, spreading its ample folds over your halls of legislation, gives evidence that you and all the people of this State are free; that Michigan is still of the Union, an inseparable part of the Government which has now and will forever have power and strength to sustain itself against traitors at home, or enemies abroad.

Your petitioner would respectfully ask that a liberal appropriation for the "Agricultural College," for the coming two years, be made by your Honorable bodies, and that all legislation contemplating a removal of the College be indefinitely postponed, and your petitioner, as in duty bound, will ever pray.

Signed by

HEZEKIAH G. WELLS,  
*Of Kalamazoo, Michigan.*







[ No. 18. ]

REPORT of the Committee on the Asylum for the Deaf and  
Dumb and the Blind.

The committee on the part of the Senate, with a like committee on the part of the House, whose duty it was to visit the Asylum for the Deaf, Dumb and Blind, beg leave to report, that pursuant to a resolution passed by the Senate and House of Representatives, they did, on the second day of February, in company with the board of trustees of the Asylum, visit the same, and found it in a much better condition than your committee expected. Through the politeness of the present efficient Principal, Mr. Bangs, who has been connected with the Asylum but a short time, we were permitted to listen to the exercises of the different classes. The first room we were invited to visit was the school room of those who have been connected with the Institution but a few months, and was under the charge of a teacher who formerly taught school in the South, but the rebellion breaking out, she came North, and judging from the proficiency the class has made in so short a time, your committee feel the Asylum has a teacher whose whole soul is in the great work of unstopping the ears of the

deaf, and unloosing the tongues of the dumb. We found this room almost destitute of furniture, suitable for that class of pupils. As a portion of it, such as slates, cannot be procured in this county, the demand is not so easily supplied; but your committee were informed that the slates have been procured, and are now on their way to the Asylum. So the wants of the Institution will soon be supplied in that direction.

The other rooms were under the charge of teachers who are themselves deaf and dumb, and understand the wants of others in like circumstances. The Asylum is at present in good condition, with the exception of the beds and bedding, which are not sufficient for the comfort of those now connected with the Institution. They are single beds with but one *very* poor pillow, which in most cases, two have to occupy. The bedding should be blankets, which could be washed. The entire supply of bedding should be replaced with new. As we cannot expect that, at present, there should be an appropriation made sufficient to make them comfortable and respectable. When we look at our State Prison and Reform School, and see what has been done by the State for the comfort of those who are guilty of the worst of crimes, we are led to ask why should those suffer through our neglect, who are so unfortunate as to be deprived of hearing and speech, and in many cases of the best gift of our Creator, their eye-sight. Is it because they are dumb and cannot reproach us, or because some of them are blind and cannot see? And as we wait for an answer, our question comes back to us in echo, why?

It is true we are called upon in this time of trouble—when our country calls upon us for aid in support of the best Government the sun ever shone upon, to pay high taxes, and we are apt to ask ourselves, “how can we be relieved from a portion of this burden?” and to answer the question, we look to our benevolent Institutions to see if we cannot take away from them a few dollars to help pay this great debt.

The Governor in his inaugural message, says: “I have no hesitation in expressing my opinion that the policy heretofore



pursued by the State in the erection of Asylums for this and other humane and benevolent objects is both unwise and injudicious." This may be true in some instances, but when we consider for whom it is the State is thus providing, we are of the opinion you will think differently.

A man or woman, who has the use of all their faculties, with the world and the examples of the great men of our country before them, have the way open by which they can reach the top round of fame and usefulness, but take away their sense of hearing and seeing, and deprive them of the gift of speech, and how can they become more than mere dumb beasts, except through the attention of legislatures and of benevolent individuals? Let America open the dumb mouths that they may speak to the world of the blessings of a republican government. The framers of our constitution did well when they declared that this "institution shall always be fostered and sustained." Some may say it is useless to try and teach this class of unfortunate beings. To such we would say, go and listen for yourselves, and you will be convinced that many of them will stand fair in literary attainment with those of the same age in our common schools. But the blind—can you teach them? We would point you to the work of the blind in our own Asylum, taught by a teacher who is blind herself, a graduate of our own school. For literary attainment look to Homer, Ossian, Milton and hundreds of others whose vigorous and aspiring intellects could not be suppressed by mere physical circumstances, but "like old Ocean's tide, gather strength from impediments, pressing forward with irresistible force, and scale in triumph the loftiest summit of opposition."

The great wants of the Institution at the present time are a piano, furniture, beds and bedding. The present number of blind pupils who should be taught music—for that is the most useful for them—cannot be instructed as they should be without another instrument. The furniture, or the most of it, is furnished by the Principal, Mr. Bangs. In fact, the Institution is without furniture, the rooms occupied by the teachers

are without carpets, or with a small piece, which in our private dwellings we would not consider suitable even for school-teachers, much more for the use of one of our State institutions. This would not be so bad if the floors were made of material that could be kept in good condition.

The necessity of learning the deaf mutes some trade by which they can support themselves after their connection with the Institution has ceased, as well as the saving to the State a great expense in hiring that done, which might be done by the inmates, demands that some means be devised by which they can have shops to work in. Your committee would not recommend the erection of any new buildings for that purpose; but that the end may be accomplished, and in order to have the males separate from the females, we would recommend that the west wing be completed during the next two years. The laundry is now ready to receive the necessary machinery, and we are of the opinion that it would be a great saving to the State to put in a washing machine and wringer, to be worked by steam, as they have sufficient power to do the work, and by this means the washing could be done by the inmates, but which is now done by persons hired for that purpose. The stables, if they can be called by that name, are mere sheds, which no good farmer in Michigan would think worth the ground they encumber—a good barn is much needed. The Asylum should be furnished with a good team, a pair of horses harness and wagon, to do the general work on the farm.

Having thus briefly noted the wants of the Institution, we have carefully estimated the expense of each item; and that the Legislature may the better understand what your committee believe should be done towards the support of the Asylum for the next two years, we submit the following bill of items, with the expense of the same:

Estimated expense of completing west wing, including passage way, and air duct from center building, brick walls for air duct, lining air duct, and

cement floor in same, gas pipe and putting in same, register for flues, masticating windows, &c.,.....	\$18,000 00
Cisterns, sewers, supply-overflow-sewers, and con- necting pipes,.....	2,800 00
Water pipes, bath tubs, water closet and plumbing,	1,300 00
Barn with cellar, stone walls, sheds, fences and gates,.....	1,000 00
Span of horses, harness and wagon,.....	500 00
Piano, furniture, beds and bedding,.....	3,000 00
Washing machine and wringer for steam power,...	1,000 00
General expense for two years,.....	34,000 00
Present indebtedness,.....	16,000 00
Total amount, .....	<u>\$77,600 00</u>

It will be seen by reference to the Acting Commissioner's report, that the estimated indebtedness of the Institution to January 1st, 1865, to be at least \$10,000, as the report was made before the real indebtedness could be ascertained. We find that the Institution is \$16,000 in debt. This amount has been procured upon the individual bonds of the Trustees, and as the indebtedness was unavoidable, the State should make arrangements to pay the amount.

This estimate does not include the books that are required for the blind, which are needed very much, and when procured there should be a book-case furnished, in which they could be better preserved. As the demand for this class of books is limited, they necessarily cost more, and should be preserved with great care. Many of those already in the Asylum have been damaged, and require new binding—all the result of not having a proper place to keep them.

There will also be an additional expense whenever there are rooms to be used for shops for mechanics to teach the pupils trades, and for tools, and by the rule adopted of increasing the salaries of the teachers as they become more efficient, which your committee have not asked any appropriation for.

The larger portion of the amount your committee think

necessary to place the Institution in the condition it should be, will be required the present year. We have been thus particular in mentioning its wants, that the Legislature might not think the amount too great.

It is asking the people of Michigan to do more than may seem expedient at present, but the Asylum will never accomplish the great work for which it was intended until the amount of work we have herein set forth is completed. It must be done sometime, and economy will tell us to finish it soon. When the west wing is completed there will be ample room to accommodate the present pupils, and your committee deem it advisable to leave the main building to be completed at some future period, when there shall be a demand for the same, and have instructed me to report the following bills:

A bill making an appropriation to pay arrearages of the Asylum for the Deaf Dumb and the Blind, for the years 1863 and 1864;

A bill making an appropriation for the support of the Asylum for the Deaf, Dumb and Blind, at Flint, for the years 1865 and 1866, and for completing and furnishing certain portions the of building;

A bill to amend an act entitled an act making an appropriation for the Asylum for the Deaf, Dumb and the Blind for the years 1863 and 1864, approved February 12, 1857;

Recommending that the bills do pass and ask to be discharged from the further consideration of the subject.

J. G. CRAWFORD, *Chairman.*





LEGISLATURE, }  
1865.

{ SENATE DOC.  
No. 19.

[ No. 19. ]

**REPORT of the Committee on Finance, relative to the claim of  
the American Express Company.**

The committee on finance, to whom was referred the memorial of the treasurer of the American Express Company, asking the payment by the State of the value of certain lost coupons, respectfully report that the memorialist sets forth that in the month of December, 1862, twenty-four coupons of the bonds of this State, of the value of thirty dollars each, were lost by said American Express Company, while *in transitu*, as is alleged, between Ogdensburgh, in the State of New York, and the city of New York; and that said American Express Company thereby became liable to pay, and did pay, to the owners of said coupons the value thereof, to wit: seven hundred and twenty dollars. And the memorialist asks that this sum be refunded to said American Express Company by the State.

Your committee find, on application to the proper department, that of these coupons, eighteen were of the Renewal Loan Bonds, two were of the Ste. Marie Canal Bonds, and four were of the so-called Adjusted Bonds; and that immediately after the loss of said coupons, notice thereof was given at the place of payment in New York city, and to the State Treasurer.

It further appears that said coupons have never been paid, nor presented for payment. But that four of the bonds, to which an equal number of the lost coupons belonged, were due January 1st, 1863, and were presented and paid; and that three of the coupons of a later date than those lost have been paid.

Your committee believe, from these facts, that the coupons are really lost, and that the State in paying the amount asked by the memorialist will be but discharging its just obligation, and recommend that it do so pay whenever the American Express Company shall execute to the State a good and sufficient bond indemnifying the State against the payment of said coupons lost as aforesaid.

For the purpose of carrying out the views of the committee, I am directed to report herewith a joint resolution, entitled

Joint resolution providing for the payment to the American Express Company of the value of certain coupons lost,

And recommend that it do pass, and ask to be discharged • from the further consideration of the subject.

V. P. COLLIER, *Chairman.*







[ No. 20. ]

REPORT of the Committee on the State Prison.

The committee on the part of the Senate, who were authorized to act with a like committee on the part of the House, to visit the State Prison, have performed that duty, and herewith submit, for the approval of the Senate, the following report:

We were cordially received by the officers of the Institution, who afforded us every facility for making such an examination as our duties required. As far as our limited knowledge would enable us to judge, we found everything connected with the management of the Prison, from the long experience of its excellent Agent, so thoroughly systematized, as to proceed with the regularity of clock work.

The prisoners are generally in the enjoyment of good health, only three, out of near three hundred, being now in the hospital. We conversed with a number of those at work, apart from any of the officers, as to the quantity and quality of their food, their general treatment, etc., and were satisfied, from the answers received, that they have no reason to complain of any of the officers, or the general management of the Institution.

We do not deem it necessary to enter into a detailed account of the condition of the Prison. By resolution adopted by the House, their committee were instructed to minutely inquire into, and report in detail, everything connected therewith, and to their very able report, with its various recommendations, all of which we heartily endorse, we would respectfully refer you.

The financial condition of the Institution has been already laid before you, in the Inspectors' report, to which your attention is directed.

The contract for the labor of the convicts was made for five years, when the price for labor was very low. It cannot, therefore, be expected, with all the necessities of life doubly increased in price, and some of them nearly or quite four-fold, that the Prison can be a self-sustaining institution, neither ought it to be expected that the Agent, Clerk, and other officers connected with the Prison, whose entire time is occupied in the faithful discharge of their duties, could live off of the beggarly pittance now doled out to them by the State, an amount hardly commensurate for the services rendered in ordinary times, and now totally inadequate to procure any more than the most common necessities of life.

Your committee would, therefore, earnestly recommend the passage of a bill increasing the pay of most of the officers connected with the Institution. If this act of justice is not done, the committee believe the State will be a great loser thereby, as the principal officers, who have so long and so faithfully managed the interests of the Prison, will be compelled to resign, and we are fully impressed with the belief that no two gentlemen possessing the necessary qualifications to successfully manage the business and financial affairs and keep the books of that Institution, can be procured for the sum now allowed by law.

The female department is under the management of Mrs. Fay, a lady we are assured well qualified by experience and kindness of disposition, to manage the unfortunate class of persons committed to her care. In this department we found

a woman about twenty-five years old, who, under the assumed name of Charley Tineman, enlisted in one of our Michigan regiments, and for two years and three days, most of the time under the gallant Burnside, fought the enemies of our republic on the hard-fought fields of Fredericksburg, Pea Ridge, Antietam, Stone River, Island No. 10, and Corinth. After being actively engaged for over two years, during which her sex was never suspected, she was finally taken sick at Nashville, when she was discovered and discharged the service. The officers of the regiment, out of respect for her gallant conduct, made her up the sum of three hundred dollars. She was convicted of receiving stolen goods, as is supposed to screen a friend or lover, and was sentenced and sent to the State Prison for two years from the 3d of March last, but owing to her good conduct, has so far been credited with five days off of each month, so that her time will expire next November. Your committee would respectfully recommend that the Legislature should unite in a petition to the Governor to pardon her out of prison.

Your committee would also unite in the recommendation of the Governor, Board of Inspectors, and Agent of the Prison, that something should be done towards remunerating Mr. C. G. Davis, who faithfully performed his contract in furnishing beef to the Prison, at a loss to him of over three thousand dollars, and also to Mr. Fuller, flour contractor, whose loss is over one thousand. We would recommend that the matter relating to these two gentlemen be referred to the judiciary committee, to take such action as in their judgment the case demands.

WILLIAM JAY, *Chairman.*



[ No. 21. ]

**REPORT of the Committee on Agriculture.**

The committee on agriculture and the mechanic arts, to whom was referred so much of the Governor's message as relates to the State Agricultural College, have given attention to the subject, and respectfully submit the following report:

Your committee believe that the State Agricultural College, as it now exists, presents a marked and favorable contrast with its past condition up to a late period. The early demands upon the treasury of the State were large, while the College was acknowledged to be an experiment without a settled policy.

The College was for some years largely in debt to individuals, in small amounts. The Institution is now managed virtually upon the cash system, its plans for the year are well matured, and its demands comparatively moderate. At a former period a different policy prevailed. Instead of being expended in much-needed improvements, several thousands of dollars were suffered virtually to return to the treasury of the State. Within the past few years the appropriation has been expended annually, the fields have to some extent been brought into condition to be cultivated with the higher class of implements, and

barns have been erected, stock purchased, and the means of usefulness in many ways extended. The marks of improvement at the College are everywhere manifest.

The workings of the Institution have been very much modified during the last two years. It may not, perhaps, be too much to say that it has now become an Agricultural College for the first time. Heretofore there seems to have been several departments quite independent of each other. The management of the farm, and of the labor of the students, had no connection with the instruction given in the College. They were different and often conflicting interests. These have all been brought into systematic relations with each other, and a proper unity infused into the Institution. Much more of the instruction is practical and professional than was formerly so, and a large part of the appropriations is expended upon the farm and stock, and like means of illustration.

We find the College, also, now for the first time completely organized. For four years it was without any presiding officer, and until the past season it has had no secretary. Its faculty was rendered complete by the election to the secretaryship of Mr. Sanford Howard, a gentleman well known as an agricultural writer, as a selector of stock in England for importation, and as having charge of a department in the Yale Agricultural course of lectures. The College is now organized with a president and secretary, with a board and faculty all working harmoniously to carry out the plans that they have matured.

In view of these changes, we believe that old prejudices against the College should give place to confidence in it. According to the messages delivered to the Legislature at the opening of the session, it is the opinion of the present Executive, as well as of the late Governor, that these prejudices are fast disappearing. Such is our own conviction.

The tone of the newspapers of the State, and the conversation of intelligent farmers and educated men respecting it, are



far more favorable than formerly. The donations of stock and other things to the College disclose the same fact.

Your committee are convinced that this return of confidence is warranted, and is the result of the good management of the present Board of Control—the State Board of Agriculture.

Your committee have no fear that the Institution will lack students, provided the public can be assured of its stability, and that it possesses a fixed policy of action. It is not strange that young men are unwilling to enter upon a course of study in a College whose continued existence is frequently a subject of debate. The length of the course has been three times changed—once by being cut down from four to two years, the higher classes in the College being dispersed without graduating.

Every two years, at least, the continued life of the College is brought in question, with results very detrimental to its interests. All such action bring discredit on the Institution, and being disseminated and perhaps assisted by the newspapers of the State, deters many from availing themselves of its advantages. Two years ago such a discussion proved disastrous in the extreme. The College opened three weeks before the appropriation was made, or the debate on removing the College came to an end. In such circumstances, it is impossible to hold students to the College.

The College rolls show that it has received students from thirty-five of the counties of the State. There is no county, any part of which is south of the Detroit and Milwaukee railroad, which has not been represented. They have come from ten counties north of that line, and several have been in attendance of late from without the limits of the State. We believe the College only needs to be known, in its new organization, to make its good influences felt in every part of the State. Your committee think it not out of place in this connection to refer to the late action of the executive committee of the State Agricultural Society. Although their petition for a removal of the

College has not come before the Legislature, it has been made public through the reporters for the press.

It must be remembered that the State Agricultural Society has no official or legal connection with the Agricultural College, which has a board of control of its own, responsible for its management to the State.

It must also be remembered that the action referred to was not the action of the State Agricultural Society, for the Society as such, were not consulted, and had no voice in the matter. Under these circumstances the petition is entitled to exactly the same weight as the petition of so many other private men of like intelligence—and no more.

The members of this committee, who were in attendance two years ago, passed a few hours at the College at that time. We cannot learn that they have visited it since, either as a committee or as individuals, until during their present session, when they made a like flying visit to the Institution. They seem, however, to be aware of the changed sentiment of the public towards the Institution, for in their resolutions and remarks they fully endorse its present officers and management. The only ground assigned for their remarkable petition is, that the location is inaccessible. They think now of removing the College to some southern town, after it has become rooted where it is, with a farm sufficiently cleared for the use of machinery, on lands of every variety known in the State except prairie, where students have reached it from every quarter of the State, on the simple ground of inaccessibility.

If this were not an absurd plea heretofore, certainly it is now, that the place is accessible from Grand Rapids and from Detroit by the railroad, and when it will soon be in like manner connected through Jackson with the entire range of counties traversed by the Michigan Central and the Michigan Southern Railroads.

No place in the State will be, on the completion of the railroad to Jackson, more accessible from every quarter, than Lansing.

It is not improbable that the Grand Trunk railroad may be extended through Lansing, at no distant time. In the other direction, certainly, the lately completed railroad communication between the Detroit & Milwaukee railroad, and the Saginaw Valley, brings the College within reach of that rapidly developing region.

We have reason to know that the action of the executive committee is not approved by the State Board of Agriculture, which has the College in charge.

The Hon. S. S. Lacey, agent for the selection of the lands granted the State, by act of Congress, approved July 2d, 1862, for the endowment of colleges for the benefit of agriculture and the mechanic arts, in an appendix to the annual report of the State Land Office, for the year 1864, states the progress that has been made in the selection of these lands. One hundred and fifty thousand acres "have been selected with reference to their intrinsic value and early availability for the purposes of the grant, and have consequently been made adjacent to the settled portions of the State, and within reach of some of the most important lines of State roads now in process of construction."

By an act of the Legislature of this State, approved March 18th, 1863, the annual interest arising from the fund accruing from the sale of these lands, "shall be regularly applied, under the direction of the State Board of Agriculture, to the endowment, support and maintenance of the State Agricultural College." As the lands granted to the States were proportioned to the representation in Congress, the neighboring States of Indiana, Illinois and Ohio may, if they will, realize much larger funds for the endowment of an agricultural college than Michigan will be able to do. Still the means to be derived from the grant, if well managed should be sufficient to support such an institution as should be of inestimable value to the State.

It will, however, in the meantime, be necessary to make appropriation for the support of the College. We find the amount of warrants drawn during the years 1863 and 1864; to amount

to \$26,494. About one thousand dollars of the past expenses of the College remain to be paid from the appropriation for the next two years. The College commenced the last two years with a balance of more than four thousand dollars, exclusive of the swamp land sales fund—a balance unexpectedly large to the Board of Agriculture itself, but which, from the increased prices of every material, was found to be needed before the close of the two years. It is the policy of the board to mature some plans annually for the growth of the College, keeping easily within the compass of their means, and then to see that they are well carried out. In this way the growth of the Institution will be sure and constant.

Your committee believe that the Board are practicing the strictest economy consistent with the best interests of the State. We believe that \$15,000 will be required for each of the two years, 1865 and 1866, in order to carry on the Institution with credit to the State.

They have therefore instructed me to submit the accompanying bill, entitled

A bill making appropriation for the support of the State Agricultural College, and to pay the expenses of the State Board of Agriculture, providing for such support, and the payment of such expenses,

And recommend that the bill do pass, and ask to be discharged from the further consideration of the subject.

S. F. BROWN, *Chairman*.





[ No. 22. ]

**REPORT** of the Committee on Internal Improvement, relative to a bill to authorize several counties to loan money, pledge their credit or to raise money by tax, to aid in the construction of a railroad from the city of Lansing to New Buffalo,

The committee on internal improvement, to whom was referred

A bill to authorize the several townships, cities and villages of the counties of Ingham, Eaton, Barry, Allegan, Van Buren and Berrien, to loan money, pledge their credit, or raise money by tax, to aid in the construction of a railroad from the city of Lansing to New Buffalo,

Respectfully report that they have had the same under consideration, and have instructed me to report that although the power to authorize townships and cities to raise moneys by tax, upon the taxable property of such township or city for the purpose of internal improvement is vested in the Legislature, yet it is one of those rights that should be used with the utmost caution.

That many, under the excitement of the moment, and in prospect of great pecuniary and public benefits that were to

arise from some fancied scheme of building a railroad or some other improvement, have imposed upon themselves burdens grievous to be borne, without any corresponding benefit, cannot be denied.

And your committee find that the object contemplated by this bill is to offer inducements and whatever aid they can for the construction of a railroad from the Capital to the city of New Buffalo.

The distance from Lansing to New Buffalo is about one hundred and fifty miles, running midway between the M. C. R. R. and the D. & M. R. R. The line of this road would pass through some of the best farming counties of the State.

These counties are all wheat-growing lands, and would furnish a large amount of freight. The county of Allegan, with its agricultural and manufacturing resources, would not be excelled for her exports by but few counties in the State.

This road connecting at Lansing with roads leading to Detroit, Port Huron and Saginaw on the east, and with Lake Michigan and steamboat navigation to Chicago, Milwaukee and all the lake towns at St. Joseph, the M. C. R. R. at New Buffalo, and all the great west, it would constitute one of the great thoroughfares, and develop some of the best portions of our State. Well might the localities afford to contribute largely for the construction of this road, and from the representations and statements of those living on the line of this road, the people are anxious to have it built, and would aid any company that would build the road, to the amount of half a million of dollars.

Your committee also find that this bill provides that nothing shall be paid over to such railroad company, that is raised in accordance with the provisions of this bill, till the road is finished and the rolling stock in good running order on the road.

In view of the safeguards thrown around the taxpayers and the great benefit that will accrue to them from the increased value of their farms and produce, have directed me to



**No. 22.**

**8**

**report the same back to the Senate and recommend that it do pass, and ask to be discharged from the further consideration of the subject.**

**W. C. EDSELL, *Chairman*.**



[ No. 23. ]

**REPORT** of the Committee on Public Lands, to whom was referred a bill authorizing the issuing of patents for certain railroad lands in the Upper Peninsula.

The committee on public lands, to whom was referred

A bill authorizing the issuing of patents for certain railroad lands in the Upper Peninsula,

Having had the same under consideration, respectfully submit the following report:

That it has been represented to your committee that there is now completed and in running order, about one hundred miles of railroad in the Upper Peninsula. That the companies entitled to said lands are now anxious to have patents issued for the same, and have united in an application for the passage of an act for that purpose.

That there is no law now existing authorizing the issuing of patents for these lands, and your committee consider the passage of such an act both proper and necessary to enable said companies to obtain title to such lands, as they can now rightfully claim.

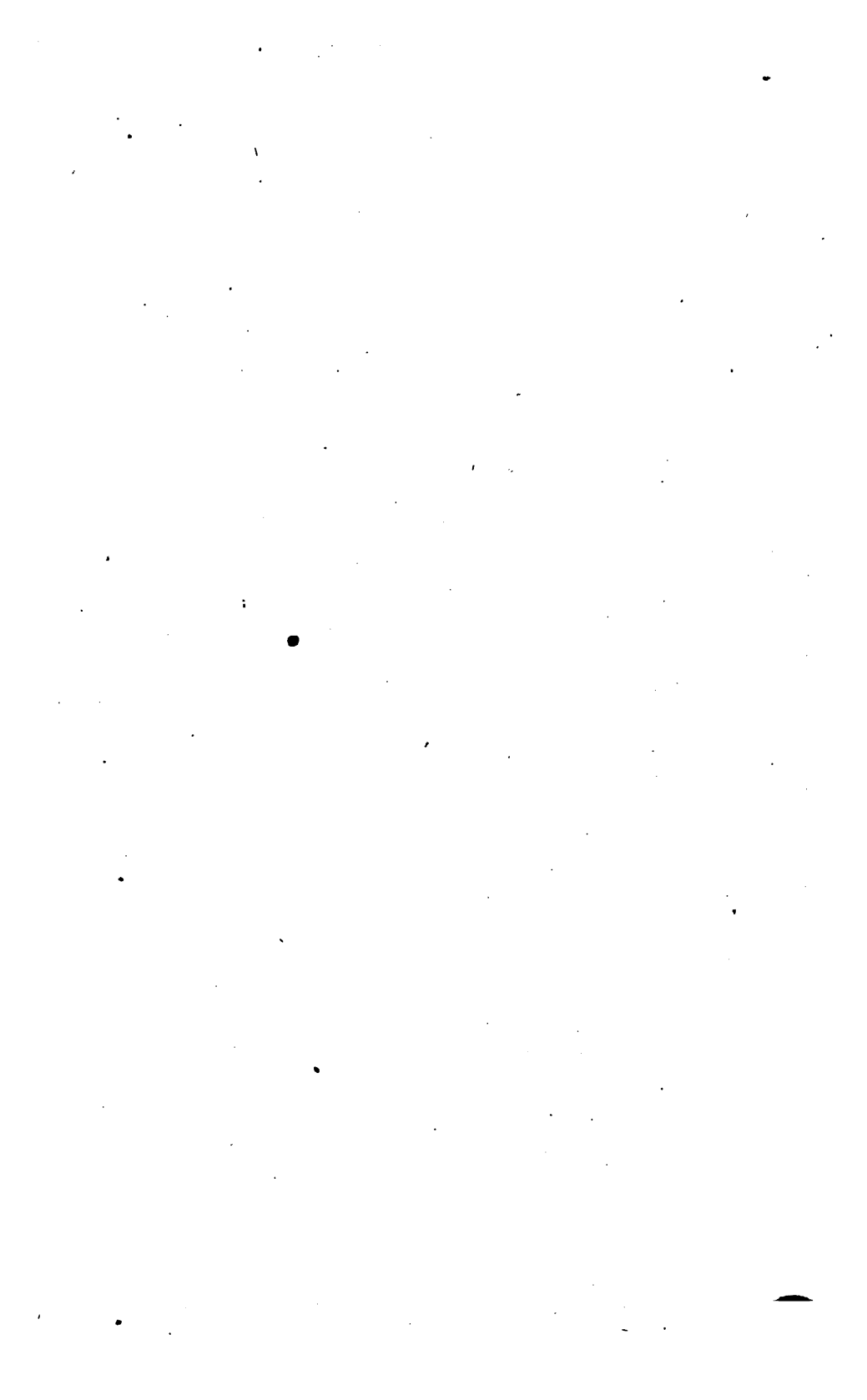
Your committee further report, that these railroad lands are

in the same position as the Sault Canal lands. These canal lands were given to Michigan by act of Congress, for a special purpose, but no patents were issued by the general government to this State for the same. The State took the lands by the act of Congress, and in the act of February 5, 1863, (laws of 1853, p. 48,) providing for the construction of said canal, provision was made for the issuing of patents for said lands by the Governor, when the said canal was fully completed.

The railroad lands were conveyed to this State by act of Congress, as in the former case, and by certified lists of all the lands granted to each road, by legal subdivisions. These lists, certified by the Commissioner of the United States Land office, are now on file with the Commissioner of the State Land Office.

Your committee therefore report back the said bill, and recommend its passage, and ask to be discharged from the further consideration of the subject.

A. P. DAVIS, *Chairman.*





[ No. 24. ]

**REPORT** of the Judiciary Committee, relative to sundry petitions asking the passage of a law increasing the fees and compensation of Registers of Deeds.

The committee on the judiciary to whom was referred petitions and memorials from sundry citizens of the counties of Saginaw, Clinton, St. Clair, Oakland, Ionia, Hillsdale, Genesee, Kent, Mecosta, Newaygo and Ottawa, asking for the passage of a law increasing the fees and compensation of Registers of Deeds, have considered the same, and respectfully beg leave to report:

That the fees now paid to Register of Deeds in this State, is greater than is paid for the same services in many other States of the Union, and the compensation in this office has heretofore been considered as liberal and fair. It is true at the present time, that the cost of living, and the prices of almost every commodity have greatly advanced from what they formerly were. But while these expenses have, within the past three years, about doubled, your committee believe that it will also be found, that in the same time the business of these recording offices has also greatly increased, and that in most cases the

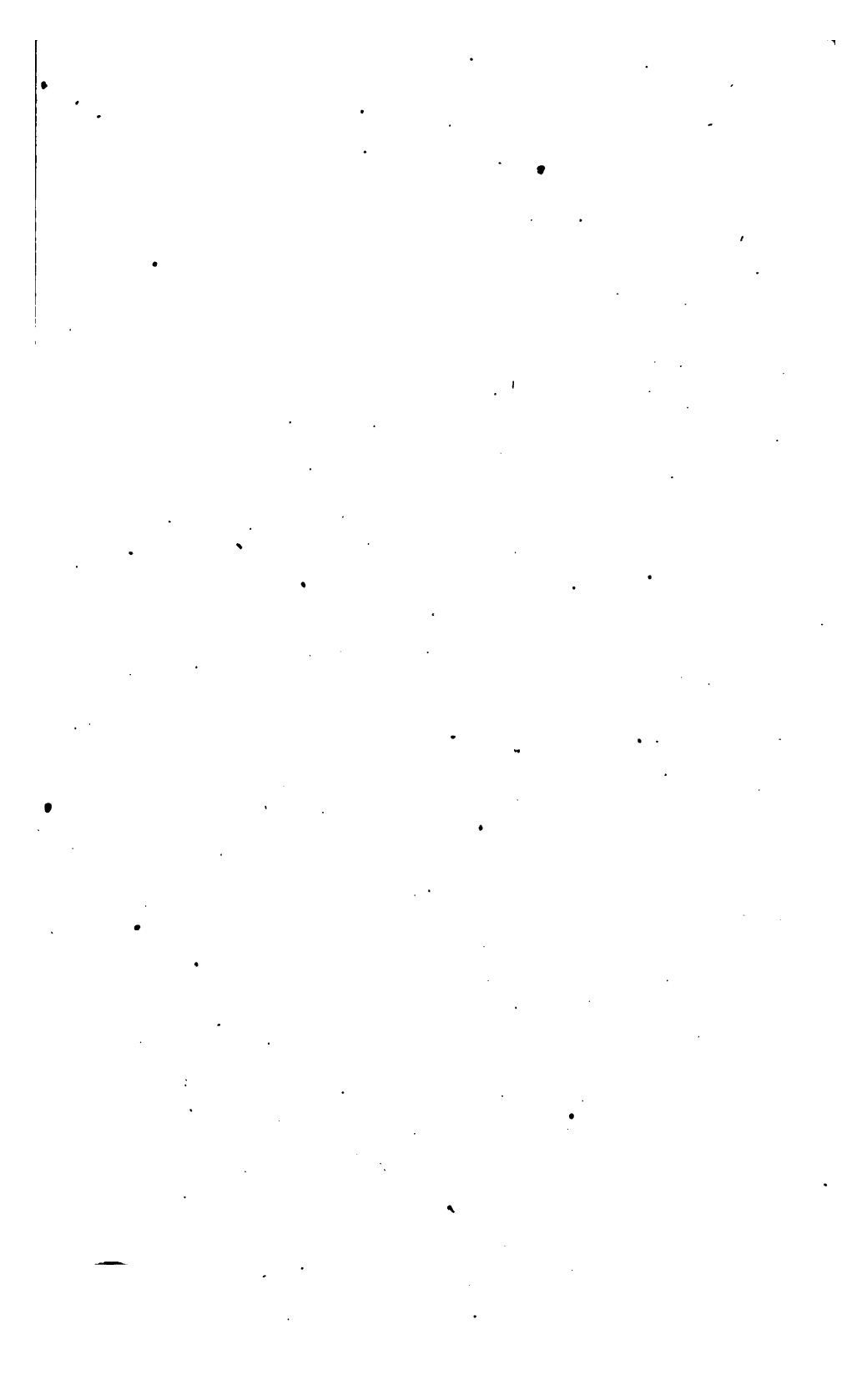
office is still a lucrative one, and eagerly sought after. It is apparent to all, that real estate, for the past two years, has rapidly changed hands, and that the number of conveyances and instruments of record must have been much greater than in former years. It is well understood that many of the Registers of Deeds use records partly printed, while others even now job out their recording at such rates as enable them to make a very handsome profit.

Under all the circumstances, your committee are of the impression that there is not such a necessity for an increase in the fees of this office as will justify them in recommending it. If a law for that purpose was enacted by this Legislature, it is extremely doubtful whether it could apply until after the expiration of the term of office of the present incumbents, as the Constitution of the State provides that "it shall not be lawful for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed." Entertaining these views, the committee have instructed me to report the petitions and memorials back to the Senate, recommending that the prayer thereof be not granted, and ask to be discharged from the further consideration of the subject.

C. M. CROSWELL, *Chairman*.







[ No. 25. ]

**REPORT of the Finance Committee, relative to the financial condition of the State.**

The finance committee, with the view of giving the Senate a proper understanding of the financial condition of the State, present herewith a statement, somewhat in detail, showing the entire indebtedness of the State, the amount of interest accruing on such indebtedness, the estimated expenses of the State government for the years 1865 and 1866, and an estimate of the revenue applicable to the payment of interest and expenses.

The non-interest bearing debt is as follows, to wit:

Adjusted Bonds, interest stopped, payable on demand, .....	\$9,000 00
Full Paid \$5,000,000 Loan Bonds, .....	12,000 00
War Loan Bonds, payable on demand, .....	1,150 00
\$140,000 unrecognized 5,000,000 Loan Bonds, adjustable for.....	80,999 80
Total of non-interest bearing debt, .....	\$103,149 80

This debt was provided for by sale of 2,000,000 Loan Bonds in 1863, and the money for its liquidation is now in the treasury.

The funded debt, for which interest must be provided, is as follows, to wit:

Renewal Loan Bonds, 6's, due Jan.

1, 1878, ..... \$216,000

Two Million Loan Bonds, 7's, due

Jan. 1, 1868, ..... 250,000

Two Million Loan Bonds, 6's, due

Jan. 1, 1873, ..... 500,000

Two Million Loan Bonds, 6's, due

Jan. 1, 1878, ..... 500,000

Two Million Loan Bonds, 6's, due

Jan. 1, 1883, ..... 750,000

War Loan Bonds, 7's, due Jan. 1,

1886, ..... 1,122,000

Sta. Marie's Canal Bonds, 6's, due

Jan. 1, 1878, ..... 100,000

8,438,000 00

Total funded and fundable debt, ..... \$8,541,149 80

The following items compose the Trust Fund debt, to wit:

Primary School Fund, ..... \$1,032,638 95

University " ..... 247,146 89

Normal School " ..... 33,000 33

Swamp Land Primary School Fund, (Act No.

31, Laws of 1858,) ..... 109,715 42

Rail Road Deposits, ..... 2,157 32

Total of Trust Fund debt, ..... \$1,424,658 91

Interest on funded debt:

Interest on Revenue Loan Bonds, ..... \$12,960 00

" Two Million " ..... 122,500 00

" War " ..... 78,540 00

" Ste. Marie Canal Loan Bonds,  
guarantied by State, ..... 6,000 00

Interest on \$270,000, balance of \$500,000 war bounty loan, authorized Feb. 5th, 1864, not issued, .....	\$18,900 00
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Total of interest on Funded debt, .....	\$238,900 00
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A bill has been introduced into the House, providing for a loan of \$1,000,000. Should the Legislature pass this bill and the bill supplementary to the bounty bill, providing for the paying bounties to drafted men, the loan must necessarily be increased to \$1,500,000. Should bonds to this amount be authorized, it will be the duty of the Legislature to provide for the payment of the interest.

The interest on the Trust Funds for the current year, is as follows, to-wit:

Interest on University Fund, ...	\$17,300 28
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Interest on \$100,000, included in	
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Renewal Loan, (Act No. 143,	
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laws of 1859), .....	7,000 00
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	24,300 28
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Interest on Primary School Fund, .....	\$72,284 73
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Swamp Land Primary School Fund, as provided by act No. 31, laws of 1858, .....	5,485 77
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Interest on Normal School Fund, .....	2,310 02
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Total, .....	\$104,380 80
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Estimate of expenses and appropriations for the fiscal year ending Nov. 30th, 1865, is as follows:

Salaries of State officers, deputies and clerks, ...	\$28,000 00
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Expenses of Supreme and Circuit Courts, ...	34,000 00
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Awards of Board of State Auditors, .....	53,000 00
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Coroners' Fees, .....	1,300 00
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Teachers' Institutes, .....	1,800 00
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Trustees of Asylums, .....	500 00
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State Reform School—current expenses, .....	22,000 00
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“ “ “ arrearages, .....	14,000 00
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Wolf Bounties,.....	\$500 00
State Prison (estimated) current expenses,....	20,000 00
Asylum, (Deaf, Dumb and Blind,) arrearages,	16,000 00
State Agricultural College,.....	15,000 00
Secretary of State Board of Agriculture,....	1,000 00
Normal School current expenses,.....	7,500 00
Legislature, .....	44,000 00
Purchase of land for Reform School,.....	5,000 00
To encourage Immigration,.....	5,000 00
Total,.....	<u>\$268,600 00</u>

Bills are now pending, providing large appropriations to the State Asylums. A joint resolution is also pending, authorizing the Board of State Auditors, to allow the claim of William Beard. Should the appropriations, contemplated in said bills and said joint resolution, be made, it will be the duty of the Legislature to make special provision therefor.

#### RECAPITULATION.

Interest on funded debt,.....	\$220,000 00
Interest on War Bounty Loan,...	18,900 00
Interest on Trust Funds, .....	104,380 80
Estimate of appropriations and expenses of State government,.	<u>268,600 00</u>
	\$611,880 80

The estimated revenue applicable to the payment of interest and expenses of State government for the fiscal year ending Nov. 30, 1865, is as follows, to wit:

Specific taxes,.....	\$170,000 00
Sales of Salt Springs Lands, .....	2,000 00
Sales of Asylum " .....	4,000 00
Sales of State Building " .....	1,200 00
Ste. Marie Canal—balance of re- ceipts to pay interest on bonds,.	6,000 00
Interest on surplus funds,.....	6,000 00
	<u>\$189,200 00</u>

State tax (if levied) of 2 48-100	
mills on the dollar on the valuation, as fixed by the State	
Board of Equalization, of \$172,-	
055,808 80,.....	421,526 73
	<u>\$610,736 73</u>

Deficit of 1865,.....	<u>\$1,144 07</u>
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Estimated interest and expenses of the State government for the year 1866:

Interest on funded debt, .....	\$238,900 00
Interest on trust funds, .....	104,380 80
	<u>\$343,280 80</u>

Expenses and appropriations, being no session of Legislature, or appropriations for arrearages to Asylum or Reform School,.....	194,600 00
	<u>\$537,880 80</u>

Deficit of 1865,.....	1,144 07
	<u>\$539,024 87</u>

Estimated revenue applicable to the payment of interest, and expenses of State government, for the year 1866:

Specific taxes, etc., (same as in 1865,)..... \$189,200 00

State tax (if levied,) of two and three-tenth mills on a dollar, on the valuation, as fixed by the State Board of Equalization, of \$172,055,808 80,.....	395,728 36
	<u>584,928 36</u>

Cash in treasury Nov. 30, 1866,.....	<u>\$45,903 49</u>
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To provide sinking funds for the gradual liquidation of the State debt, the law requires that a tax of one-sixteenth of one mill upon the dollar, and a tax of one-eighth of one

mill upon the dollar, shall be levied. The law also provides for a military tax, which will amount to \$22,956 75, for each of the years 1865 and 1866.

From the foregoing statement, it will appear that the finances of the State are in a healthy condition, and that, with economy and proper management, all the demands likely to be made upon its resources and its credit, will be fully met. At the same time, it is proper to bear in mind that the burdens of national and local taxation are lying heavily upon the people of the State.

The call of the General Government for men and for means, must be met. Local organizations and private citizens, have submitted to enormous taxation to fill quotas assigned to them. To such an extent has taxation, arising from this cause, been increased, that your committee are of the opinion that, aside from private subscriptions, income taxes and stamp duties of the Government, the taxes will now reach to nearly or quite five per cent. of the taxable property of the State. These taxes should not be increased, and your committee recommend that all appropriations be denied, except such as are clearly demanded by necessity.

The policy inaugurated in 1861, of meeting by taxation, all the wants of the State Government in its ordinary expenditures, and for interest on the State debt, is in accordance with the views of your committee, and its continuance is recommended.

V. P. COLLIER, *Chairman.*







[ No. 26. ]

REPORT of the Joint Committee on the Asylum for the  
Insane.

The committee on the Asylum for the Insane, so whom was referred so much of the Governor's message as relates to that institution, and who were authorized, with a like committee of the House, to visit the Asylum as a joint committee, have performed the duty assigned them and directed us to make the following report:

By the politeness of the officers of the institution we were shown through every part of the Asylum proper and the out-buildings, and found everything highly satisfactory; complete order and thorough cleanliness prevails in every part of the building.

There is an appearance of quiet and comfort among the patients, which is surprising considering the maladies with which they are afflicted. They have many sources of amusement, which must greatly conduce to their restoration to health.

Personal observation convinces us of the necessity of classification in different wards according to the peculiar mental

aberration, and of the impossibility of receiving another patient into the institution, when the ward to which such patient properly belongs is full, although other wards may not be so. The only way to furnish accommodations for more patients is to finish the building. Even now one of the most crowded wards is a wooden building, fitted up for the purpose, outside of and near the main building.

Your committee are unanimously of the opinion that the building should be completed without unnecessary delay. Considerations of public policy and economy, not less than of philanthropy, demand it.

Insanity is a curable disease, under proper management, but very few persons ever recover without such treatment. Of recent or acute cases from eighty to ninety per cent. recover under proper treatment, while of chronic cases only from twenty to thirty per cent. There are now many curable cases in the State becoming permanently and hopelessly confirmed in this most dreaded of all maladies, because the means are not furnished for their cure. We shall pay dearly for our neglect by entailing upon ourselves their life-long support.

It must be remembered that only by public institutions can these persons be cured, for the proposition to let them remain in families has only to be stated to be condemned. We must not chain them in dungeons as was formerly done, nor even confine them in cells as has been done in our day; the progress of civilization shames the thought.

A State institution then only remains as a proper place for the custody, care and cure of these unfortunate persons, and our State has well under way a model institution of this kind, the beauty and usefulness of which only lacks the enlightened policy and liberal dealing of this Legislature to make it complete.

The applications for admittance amount to an average of about twenty per month. Of this number not more than one

in five can be admitted in the present condition of their room.

The financial condition of the institution will be seen by a reference to the biennial report upon our files, a careful examination of which is recommended.

It will be seen that a deficiency in the expense account of seven thousand and six hundred dollars has occurred, and an extra expense of building a house for the engineer, of nine hundred and fifty dollars, and a bill has already been introduced, appropriating an amount sufficient to pay this indebtedness.

It is estimated, that on account of the great advance in the price of labor and building material, that ninety-eight thousand dollars more will be required to erect, finish and furnish the north wing of the building, and your committee have accordingly brought in a bill providing for that sum.

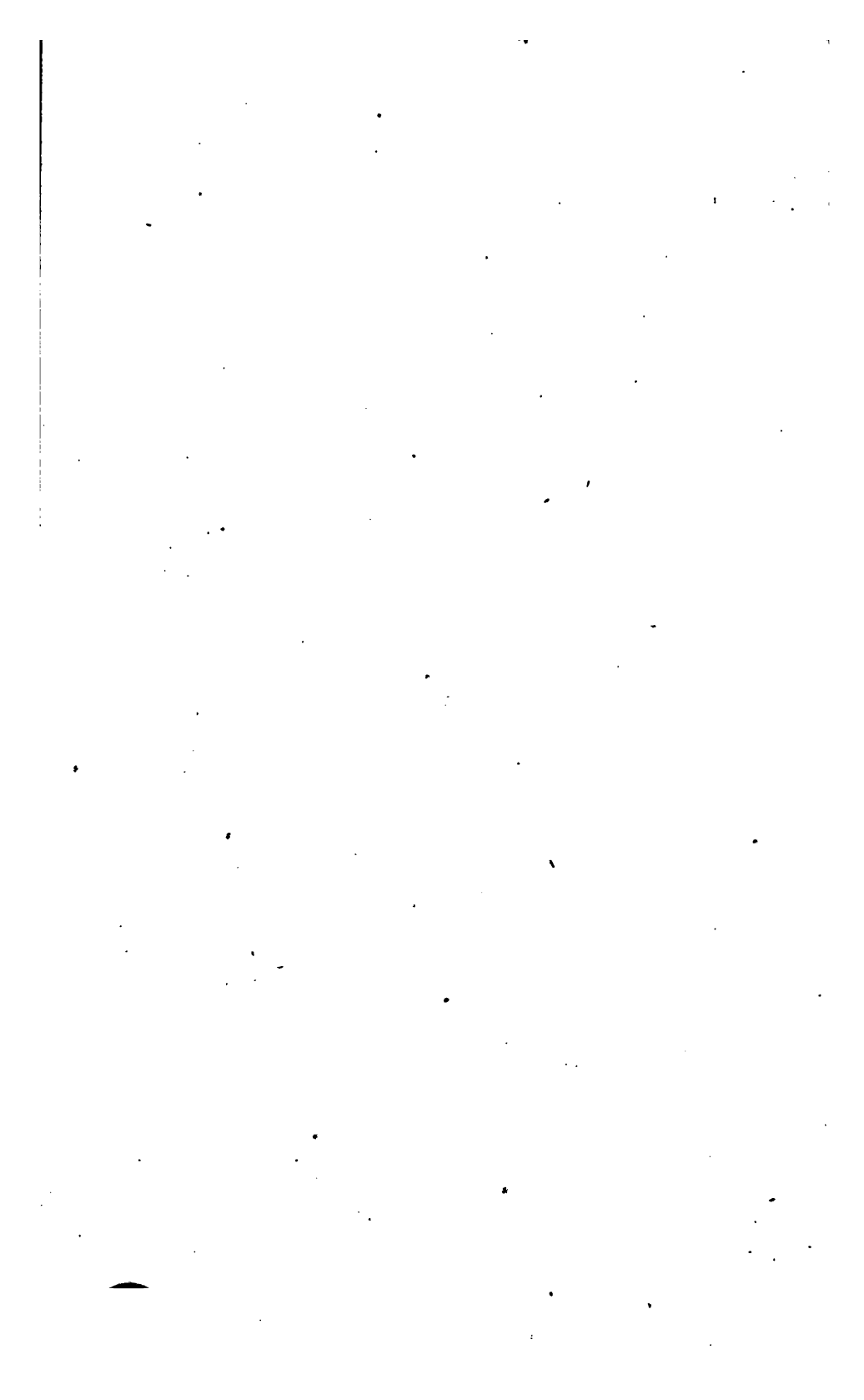
Your committee are of the opinion that some part of former appropriations have not been strictly applied to the purposes for which they were intended, and have so framed these bills as to prohibit such practice in future, deeming it better that the officers should ask a specific appropriation for collateral objects.

LEVI ALDRICH, •

*Chairman of Senate Committee.*

EDWIN STEWART,

*Chairman of House Committee.*



[ No. 27. ]

REPORT of the Committee on State Affairs, to whom was referred a joint resolution for the relief of William Woodhouse and Charles W. Butler.

The committee on State affairs, to whom was referred House joint resolution No. 18, being

A Joint resolution for the relief of William Woodhouse and Charles W. Butler,

Have had the same under consideration, and find that some time since, the said Woodhouse and Butler employed certain of the boys of the Reform School in their chair factory, under a contract with the State for their labor, and for said labor, on several monthly statements, there was found due, from the said Woodhouse and Butler, to the State, about the sum of thirteen hundred and seventy dollars, for which amount the said Woodhouse and Butler gave their notes, at the several statements, and upon said notes the Board of Control of State Reform School directed suit to be brought, and judgment was rendered for the amount, in favor of the State.

Messrs. Woodhouse and Butler now ask to be relieved

from the payment of such judgment, for the following reasons, viz:

The factory or chair shop, wherein their business was prosecuted, was twice burned, destroying nearly all their tools and stock.

The last fire was, without doubt, the work of some of the boys confined in said school.

The Board of Control of State Reform School had consented to have the night watchman for said school, watch said factory, which it is claimed could not have been faithfully done, and in consequence of relying upon said watchman, the parties asking relief did not procure the services of any other and more faithful watch to be under their immediate control; and further, in the carrying on said chair manufactory, and in consequence of the two disasters by fire, their entire means became exhausted, and they are wholly unable to pay said judgment.

The committee, feeling that their duty is discharged when the facts are brought to the knowledge of the Senate, have directed me to report the said resolution back to the Senate, with the foregoing statement, for your determination, and ask to be discharged from the further consideration of the subject.

D. H. JEROME, *Chairman.*







[ No. 28. ]

MEMORIAL of Misses Rogers, in behalf of the Michigan  
Female College.

*To the Honorable the Legislature of Michigan :*

Your memorialists beg leave to represent to your honorable body, that for ten years they have devoted themselves entirely to the work of endeavoring to establish in Lansing an institution of learning that should give to young women the best possible opportunities for intellectual discipline and culture. That, with the advice and assistance of the Faculty of the University of Michigan, they have adopted a course of study under which twenty-eight young ladies have already graduated, while they have at the same time kept in operation a well sustained and successful preparatory department.

But the building which they have erected, by the aid of the citizens of Lansing, and other friends of education, is now filled to its utmost capacity, and further accommodations are very much needed, the estimated expenditures of which would be about twenty thousand dollars.

Your memorialists desire, they have always very earnestly desired, to see the result of their labor made permanent and

durable for the public good, and they pray your honorable body to accept what they have done as a trust for the daughters of the State, and provide for the completion of the buildings; or, if this is deemed at present inexpedient, by appropriating for that purpose ten thousand dollars, either in money or lands, upon condition that your memorialists also raise ten thousand dollars for the same purpose; provided, also, that this twenty thousand dollars, and also the whole chartered property of the institution be held in trust for the State by the present board of trustees, namely, the Hon. John W. Longyear, E. B. Ward, Esq., Hon. John Owen, Hon. O. M. Barnes, Miss A. C. Rogers, and their legal successors.

The action of this Legislature, and that of 1863, in unanimously asking appropriations of land from Congress, for the purpose of endowing Female Colleges in all the States, encourages them to believe that the time is speedily coming when, without regard to sex or condition, equal justice will be done to all the youth of the country.

But it must be years before the beneficence of the general government can be felt if it is granted; and, as in the meantime the wants of the present must be supplied, they cannot but hope, that as Michigan has been the first State to ask, so she will be the first to act in this good cause.

During the last ten years the Legislatures of this State have remitted \$60,000 interest to the University of Michigan, besides the appropriations made to the Agricultural College. For the two years to come, the University interest will amount to \$12,000, and the estimates for the Agricultural College for the same time are \$30,000, but with female education it is yet the day of small things and we venture to ask for the young women of Michigan only a crumb from the table of their more fortunate brothers.

A. C. ROGERS,  
DELIA ROGERS,

*Founders and Principals of Michigan Fema College.*  
Lansing, Feb. 21, 1865.





[ No. 29. ]

**REPORT of the Committee on Privileges and Elections, relative to the petitions of sundry persons, asking to be admitted to seats as Senators.**

The committee on privileges and elections, to whom was referred the petition of John J. Robinson, asking to be admitted to the seat in this Senate now occupied by J. Webster Childs, as Senator for the eighth senatorial district;

And the petition of William A. Jones, asking to be admitted to the seat in this Senate now occupied by William Jay, as Senator for the seventh senatorial district;

And the petition of James M. Hoyt, asking to be admitted to the seat in this Senate now occupied by John G. Crawford, as Senator for the sixth senatorial district;

And also the petition of William M. Campbell asking to be admitted to the seat in this Senate, now occupied by Giles Hubbard, as Senator for the fourth senatorial district,

Have had said several petitions under consideration, and respectfully beg leave to report:

That, in relation to the petition and claim of the said John

J. Robinson to the seat now occupied by said J. Webster Childs, the following facts appear:

That at the election held on the eighth day of November, 1864, three thousand nine hundred and thirty-five votes were given for the office of State Senator for the said eighth Senatorial district:

That of said votes, three thousand seven hundred and seventy-three were cast within said district as follows:

For John J. Robinson,..... 1,930 votes.

For J. Webster Childs, ..... 1,843 votes.

That the remaining one hundred and sixty-two votes at said election were given under act 21, of the session laws of 1864, known as the soldiers' suffrage law, as follows:

For John J. Robinson,..... 27 votes

For J. Webster Childs,..... 135 votes.

That of the whole number of votes given for Senator for said district, including the army vote, so called, the said J. Webster Childs had a majority of 21 votes. And of the whole number of votes polled within said district, exclusive of the army vote, the said John J. Robinson had a majority of 87 votes.

Said petition was presented to the Senate on the 30th day of January last; and your committee also find that previous thereto, and on the first day of the present session of this Legislature, said Robinson appeared before the Senate, holding a certificate of election to the office of Senator for said Eighth Senatorial District, and claiming a seat in this body, and the facts upon which such claim was then based are the same as those now set forth in said petition. That at the same time the sitting member, J. Webster Childs, also appeared before the Senate as a contestant for said seat, and claiming to have been duly elected as Senator for said district. That on the same day, Mr. McCurdy offered in the Senate, the following:

*"Resolved, That John J. Robinson be sworn in a Senator from the Eighth Senatorial District."*

Which resolution was not adopted; and therefore, on motion



of Senator Jerome, "The case of Messrs. Robinson and Childs was referred to the committee on privileges and elections." [Legislative Jour., p. 2.]

That on the following day, a resolution was offered in the Senate as follows:

"Resolved, That the case of Messrs. Robinson and Childs be taken from the committee of elections, and referred to a special mittee of three."

The resolution was adopted and the case was referred to a select committee consisting of Senators, Jay, Hubbard and McCurdy. [Legislative Jour. p. 9.]

Afterwards, and on the 7th of January, said select committee submitted the following report:

"The committee to whom was referred the case of Messrs. Robinson and Childs beg leave to report that, they had the matters involved in said case under consideration, and have received as evidence in said case, a certified copy of the certificate of the Secretary of State, showing the soldiers' vote, (so-called) given for the candidates for Senators, in the eighth senate district of this State; and also the duly certified statement of the clerk of the county of Washtenaw, showing the votes given on the home vote (so-called) in the respective townships constituting said district, as the same appeared before he board of canvassers of said district, from which said evidence it appears that J. Webster Childs received a majority of twenty-one (21) votes, and was duly elected Senator of said district.

"We therefore, respectfully recommend that Hon. J. Webster Childs be admitted to his seat in this Senate, and herewith submit for your consideration the said evidence, upon which the determination of your committee is founded, and ask to be discharged from the further consideration of the subject."

"The report was accepted and the committee discharged.

"On motion of Mr. Nevins,

"The report of the committee and the recommendation contained therein were adopted.

"J. Webster Childs presented himself, subscribed the constitutional oath, and took his seat as a Senator." [Legislative Jour. p. 21.]

From the foregoing statement it will appear that the subject matter of said petition, and the questions at issue between the said Robinson and Childs, have been taken by the Senate from the committee on privileges and elections, and are now in the possession of the Senate.

And until the Senate shall have reconsidered its action, or shall have put the committee in possession of the matters in question, your committee do not understand that they can properly take any action in relation thereto.

Therefore, in relation to the controversy for the seat claimed by said Robinson, your committee report no opinion.

In relation to the petition and claim of William M. Campbell, to the seat now occupied by the Hon. Giles Hubbard, as Senator for the Fourth Senatorial District, your committee find the following facts, viz: •

That at said election held on the eighth day of November, 1864, four thousand four hundred and eighty-one votes were given for the office of State Senator, for the fourth Senatorial district.

That of said votes 4,226 were cast within said district, as follows:

For William M. Campbell,.....	2,153 votes.
For Giles Hubbard,.....	2,073 votes.

That the remaining 255 votes at said election were given under act No. 21, of the laws of 1864, known as the soldiers' suffrage law, as follows:

For William M. Campbell, .....	52 votes.
For Giles Hubbard.....	203 votes

That of the whole number of votes given at said election for Senator for said district, including the army vote, the said Giles Hubbard received a majority of 71 votes. And of the whole number of votes polled at said election, exclusive of the army

vote, the said William M. Campbell received a majority of 80 votes.

In relation to the petition and claim of William A. Jones to the seat now occupied by the Hon. William Jay, and the petition of James M. Hoyt, claiming the seat now occupied by the Hon. John G. Crawford, your committee find the following facts, viz:

That at said election held on the eighth day of November last, 3,884 votes were given for the office of State Senator for the Seventh Senatorial District.

That 3,716 of said votes were polled within said district, as follows:

For William A. Jones.....	1,906 votes.
For William Jay.....	1,810 votes.

That the remaining 168 votes at said election were given under act No. 21, of the laws of 1864, known as the soldiers' suffrage law, as follows:

For William A. Jones.....	34 votes.
For William Jay.....	134 votes.

That of the whole number of votes given at said election for Senator for said district, including the army vote, the said William Jay had a majority of four votes, and of the whole number of votes polled at said election, exclusive of the army vote, the said William A. Jones had a majority of ninety-six votes.

That at said election, held on the eighth day of November, 1864, three thousand nine hundred and ninety-nine votes were given, for the office of State Senator for the said Sixth Senatorial District.

That 3,786 of said votes were polled within said district, as follows:

For James M. Hoyt,.....	1,920 votes.
For John G. Crawford,.....	1,866 votes.

That the remaining 213 votes at said election, were given under act No. 21, of the laws of 1864, known as the soldiers' suffrage law, as follows:

For James M. Hoyt,..... 49 votes.  
 For John G. Crawford,..... 160 votes.

That of the whole number of votes given at said election, for Senator for said district, including the army vote, the said John G. Crawford had a majority of fifty-seven votes.

And of the whole number of votes polled at said election exclusive of the army vote, the said James M. Hoyt had a majority of fifty-four votes.

Your committee also find that on the first day of the present session of the Legislature, the said James M. Hoyt and William A. Jones appeared before the Senate, holding certificates of election as Senators in this body, and at the same time said William Jay also appeared claiming the seat now demanded by said Jones, and alledging that the canvassers of election in said 7th district had rejected the soldiers' vote for Senator in that district, which, if counted, would entitle him to the certificate of election.

Also, the said John G. Crawford appeared at the same time, claiming the seat now demanded by said Hoyt, and alleging that the canvassers of election in said sixth district, had rejected the soldiers' vote for Senator in said district, which, if counted, would entitle him to the certificate of election; and thereupon a resolution was offered in the Senate as follows:

*"Resolved*, That the Secretary of the Senate be, and he is hereby directed, to insert the name of John G. Crawford as Senator for the sixth district, in place of James M. Hoyt; and William Jay as Senator from the seventh district in place of William A. Jones;" which was adopted, and said Jay and Crawford were sworn, and took their seats as Senators; and thereupon on the same day the following resolution was adopted by the Senate:

*"Resolved*, That James M. Hoyt and William A. Jones have the privilege of contesting the seats claimed by them in this Senate, and that for such purpose the whole subject be referred to the committee on privileges and elections."—[Legislative Jour. p. 2.]

The question has been raised before your committee, as to whether the action of the Senate, as here related, was not a final adjudication of the opposing claims to the seats for the 6th and 7th districts, and that the claimants are precluded from a further hearing in the matter.

But your committee have been unable to arrive at such a conclusion.

The canvassers undoubtedly exceeded their powers when they undertook to decide upon the validity of, and to reject the soldiers' votes. The law did not invest them with such powers. Jay and Crawford had apparent majorities of the votes polled, and therefore, were entitled to receive certificates of election from the canvassers.

The returns made by the canvassers were incorrect. And in the opinion of your committee the action of the Senate was intended to be in the nature of a correction of the election returns, and not a final decision as to the legality of the election. This action of the Senate in undertaking to consider the returns and election separately, is not without precedent. It is said that:

"Where two candidates only are voted for, and by the decision of the returning officers, admitting illegal or rejecting legal votes, one of the candidates has an apparent majority, he is entitled to the return, but the other is clearly entitled to the seat.

"This distinction between elections and returns, has led, in England, to their being in some instances, considered separately in the same case so that, where it appears without going into the merits of an election, that the petitioner, against the sitting member, was apparently elected and ought to have been returned, the House of Commons will reverse the position of the parties, by excluding the sitting member, and putting the petitioner in his place as duly returned; leaving the election open to be controverted, and throwing the burden of doing so upon the party to whom it properly belongs."—[See Cushing's Law and Practice of Legislative Assemblies, §143 and 144.]

If your committee is correct in their understanding, that the

action of the Senate was not intended to be a final adjudication, but was intended rather to put Messrs. Hoyt and Jones in the position of contestants, then the disputed claims to the seats for the 6th and 7th, as well also as to the seat for the 4th district, remains to be adjudicated.

The sitting members, Hubbard, Jay and Crawford, hold their seats by virtue of votes polled under act 21, of the laws of 1864, commonly called the soldiers' voting law.

The contestants allege that the votes cast by virtue of that act are illegal, and rest their claims upon that point alone, and support their position by referring to a decision of the Supreme Court of our State, pronouncing that act unconstitutional, and the votes cast under it, void. If the decision is correct, it should at once put an end to the controversy, for no man can acquire office by means of illegal votes.

It is also urged that the Senate cannot, consistently with its dignity and independence, regard the decision of the Supreme Court, in settling the right to the disputed seats.

That each branch of the Legislature is the sole judge of the qualifications, elections and returns of its members.

And yet, if the decision of the Court is correct, it is difficult to understand how the dignity or independence of the Senate is to be sacrificed, by observing the requirements of the Constitution.

The Constitution has vested the law-making power in the Legislature, and its enactments are binding alike upon the executive, the judiciary, and the people, and the dignity and independence of neither are impaired by yielding obedience to the laws—they are the will of the people. On the other hand, the people through their Constitution, have made it the duty of the judiciary to construe the laws, and to ascertain if they are in conformity with the Constitution; the purpose is to harmonize conflicting views, and to secure uniformity of action between the people and between the several departments of State. Its decisions are the judicial judgments of the people, and as such are to be respected by the people and the co-

ordinate branches of government; the purpose of the constitution is to secure harmony of action and unity of purpose in all the departments of State, and no coördinate branch is at liberty to ignore or set at defiance the action of any other coördinate branch when proceeding in its legitimate sphere; were it otherwise, the several departments would become irresponsible and uncontrollable powers, seeking their separate purposes in opposing directions, and all those checks and balances intended to be secured by the creation of coördinate departments in government would be lost; law and order could not be maintained, and anarchy would prevail; no department need fear a loss of its independence by recognizing the legitimate action of its co-equal branch—and when a department is compelled to vindicate its action by the plea of maintaining its dignity and independence, it is to be apprehended that its action is not supported by the best of reasons.

While we are the sole judges of the qualifications, elections and returns of our members, and our judgments and determinations are not to be questioned in those matters, yet we should undoubtedly be guided by the law in making our decisions, we should admit those qualifications only which the law prescribes—we should declare such elections only as good, which were conducted in the manner prescribed by law. As said by Chancellor Kent, our decisions should be regulated by known principles of law, and strictly adhered to for the purpose of uniformity and certainty.

As stated in a report on a similar subject, appearing in our journals, we should consult the law as laid down in the books and in the judicial decisions.

And so we say, and in so doing we should pay due respect to the decisions of our own courts.

But it would certainly be treading upon dangerous ground, if instead of making the qualifications and election comply with the law, we should, in order to support an election, declare a law unconstitutional, or practically reverse the decision of our highest judicial tribunal, in order to make the law conform to the election.

But the decision of our highest judicial tribunal, as to the validity of the soldiers' suffrage law, has been made, not at the instance of the court, but in the performance of a duty imposed by the Constitution. Neither the ability or integrity of the court, nor the patriotic regard of the judges for the soldier in the field, upon whom the decision falls most heavily, have been questioned.

And as an illustration of our obligation to respect the determination of our courts, the following from Mr. Stevens, may not be inappropriate:

"When a man is sworn to support a constitution which provides a tribunal for the settlement of any class of cases arising under it, where differences of opinion may prevail, he is as much bound to acquiesce in the decision of such tribunal when made, and to the extent made, until reversed, in any case so arising, as he was bound to be governed by his own opinions in relation to it before. This sir, is one of the first principles of all societies, and part of the obligation of every individual implied when he becomes a citizen of government, or takes the oath of allegiance. Else why should there be a tribunal to decide such questions, if obedience and acquiescence to the decision, when made, should not be regarded, in every sense of propriety, right and proper, both politically and morally?"

"Sir, without this rule, there could be no order and no government."

Had he and his compeers in the rebellion, observed the doctrine expressed, our country would not now be struggling with traitors for its life; and while the Legislature may not be required to defer to the Supreme Court in the same sense or measure as the citizen, yet it becomes the law making department of the State to pause long before taking a step that may be construed as a violation or disregard of the Constitution, or may be referred to as a precedent for disregarding the judiciary.

The decision has become the rule of action, which, by the requirements of the Constitution, the people, the Executive and



the judiciary itself, are to be guided. We are called upon to decide in a case where the same facts and law are involved; can we give a satisfactory reason for adopting a different rule from that which, under the decision, obtains in all other departments of the State government, and with the people of the State? Will the principle that we are the sole judges of the qualifications, elections and returns of our members, satisfactorily explain the reason why a certain class of votes is legal, when cast for a Senator, and illegal when cast for a candidate for the office of Governor?

Your committee believe that it would be unwise for the two coördinate branches of the government to pursue opposite courses in regard to the law under consideration; that as a precedent, its tendencies would be dangerous, pointing to disorganization in the State. Having by our Constitution created a tribunal by which to ascertain the constitutionality of our enactments, we have also pledged ourselves in that Constitution to abide by our decisions, as expressed through that tribunal. And while neither branch should be subservient to another, yet the public good demands that all should so harmonize in their action as to avoid antagonism and discord. And though the Legislature may not be required to regard the court in the same manner as the citizen, yet diversity of opinion and adverse action between the two branches, should be permitted with extreme caution.

Your committee, in arriving at its conclusion in regard to the seats in question, is not unmindful of the sense of disappointment felt by the people of this State, that our brave armies in the field are not permitted, by our Constitution, to be heard through the ballot box, and in the conduct of the affairs of State.

Your committee is also aware of the fact, that the petitioners for the seats in question are not the choice of the majority of the people whom they seek to represent; that they are not those to whom the patriot defenders of our common country, in

their absence on the field of war, choose to confide the affairs of State, and enactment of its laws.

Your committee is aware also, that these applicants are not before us by the desire or approval of the majority of the people. Nor are their claims based on that broad sense of justice that challenges the respect of men. They stand upon a legal claim, arising out of a constitution inadequate to the emergencies of the times; a constitution that unfortunately stifles the voice of the citizen soidier, who stands guard between us and treason and mad rebellion.

But in the judgment of your committee, the petitioners whose names appear below, are entitled to the seats in question.

In accordance with these views, your committee report their opinions as follows:

*Resolved*, That William A. Jones is entitled to a seat in this Senate, as Senator for the Seventh Senatorial District, in place of William Jay, the present occupant.

*Resolved*, That James M. Hoyt is entitled to a seat in this Senate, as Senator for the Sixth Senatorial District, in place of John G. Crawford, the present occupant.

*Resolved*, That William M. Campbell is entitled to a seat in this Senate, as Senator for the Fourth Senatorial District, in place of Hon. Giles Hubbard, the present occupant.

All of which is submitted.

A. HOWELL, *Chairman.*









[ No. 80. ]

COMMUNICATION from the State Treasurer, giving the names, salaries, etc., of the clerks employed in his office.

STATE TREASURER'S OFFICE, }  
Lansing, February 22, 1865. }

HON. E. O. GROSVENOR, *President of the Senate:*

DEAR SIR—I have received notice of a resolution of the Senate, inquiring of the State Treasurer the name and place of residence of his deputy, the number of clerks employed in the Treasurer's office during 1863 and 1864; the name and place of residence of each clerk; when appointed; the amount of money paid to each of said clerks and deputy for fees, salaries and over-work, and the number of hours constituting a day's work.

In response to the above inquiry, I beg to answer as follows:

The name of the Deputy Treasurer is James Turner, whose residence, at the time of his appointment, was Lansing. The number of clerks employed in the office during 1863 and 1864, was two, with the addition of seven or eight days' work of two or three other young men, to assist in some urgent work.

The names and place of residence of the clerks employed, is

as follows: H. D. Bartholomew, Lansing, Ingham Co., Mich.; H. L. Paddock, Pontiac, Oakland Co., Mich.

The clerks receive no fees. A small amount was paid the Deputy Treasurer, as fees, by the Farmers' and Mechanics' Bank and Peninsular Bank, for countersigning new bank notes, in 1863; nothing for 1864.

The office hours have been from 8 o'clock to 12 o'clock A. M., and from 1:30 o'clock to 4 o'clock P. M., being six and one-half hours.

The following amounts have been paid to the deputy and clerks for salaries and over-work, during 1863 and 1864:

NAMES.	1863.	1864.	Total.
James Turner, Deputy Treas.,	\$855 26	\$809 48	\$1,664 74
H. D. Bartholomew, clerk,....	946 69	930 71	1,877 40
H. L. Paddock, clerk,.....	604 92	884 30	1,489 22
Total,.....	\$2,406 87	\$2,624 49	\$5,031 36

J. OWEN, *State Treasurer.*







[ No. 31. ]

**COMMUNICATIONS** from the Auditor General, Secretary of State, Superintendent of Public Instruction, and the Commissioner of the State Land Office, relative to the names, salaries, etc., of the several Clerks employed in their respective departments.

AUDITOR GENERAL'S OFFICE, }  
*Lansing, February 22, 1865.* }

HON. E. O. GROSVENOR, *President of the Senate:*

SIR—In answer to the following resolution of the Senate:

*"Resolved, That the Auditor General, State Treasurer, Secretary of State, Commissioner of the Land Office, and Superintendent of Public Instruction, be instructed to communicate to the Senate the names and places of residence of their respective deputies; the number of clerks employed in their respective offices during the years 1863 and 1864; the names and places of residence of each of said clerks; when appointed; the amount of money paid to each of said deputies and clerks in fees, salaries, and for over-work, and the number of hours constituting a day's work,"*

I would respectfully refer you to a detailed report I have this day submitted to the House of Representatives, in reply to

a resolution adopted by that body on the 17th inst., which gives all the information asked for in the above cited resolution of the Senate, as far as this department is concerned.

Very respectfully,

E. ANNEKE,  
*Auditor General.*

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SECRETARY OF STATE'S OFFICE, }  
*Lansing, February 23, 1865.* }

HON. E. O. GROSVENOR, *President of the Senate:*

SIR—In reply to the resolution of the Senate, asking information of this department in relation to the "names and place of residence of the deputy and clerks employed during the years 1863 and 1864, when appointed, amount of money paid to each in fees, salaries, and for over-work, and the hours constituting a day's work," would respectfully refer you to a full statement of the Auditor General, made to the House of Representatives upon the same subject, and which gives a full statement of this office, so far as relates to place of residence, clerks employed, when appointed, and amount of salary.

I would also report that this office does not pay to its deputy or clerks any fees whatever; and that the office hours of this department (constituting a day's work) are six and a half.

The ordinary working force of this office is the deputy and one clerk; but by reason of the increased labor, growing out of the compiling of the census report and canvass of the soldiers' vote, nine extra clerks were temporarily employed.

Yours, respectfully,

JAMES B. PORTER,  
*Secretary of State.*

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OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }  
*Lansing, February 24, 1865.* }

HON. E. O. GROSVENOR, *President of the Senate:*

SIR—In compliance with the resolution of the Senate, instructing the Superintendent of Public Instruction to communi-

cate to the Senate the name and place of residence of the Deputy Superintendent of Public Instruction, &c., I would respectfully report, that Mr. C. B. Stebbins, Deputy Superintendent, has been acting as said deputy for the last six years; formerly a resident of Adrian, Mich. He has resided in Lansing for the last seven years.

The annual salary of the Deputy Superintendent is \$700. There are no fees in this office. Over-work for 1863, \$269.17; for 1864, \$316.16. The hours constituting a day's work, six and one-half, with the exception of the last two and one-half months of 1864, which were five and one-half. At the first of January, 1865, they were again changed to six and one-half. There are no clerks employed in this office.

Very respectfully,

O. HOSFORD,

*Supt. of Public Instruction.*

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STATE LAND OFFICE,  
*Lansing, Mich., February 24, 1865.* }

To Hon. E. O. GROSVENOR, *President of the Senate*:

SIR—In compliance with a resolution of the Senate adopted on the 21st inst., I would say that a full statement of the information desired as to the persons employed in the State Land Office by Hon. S. S. Lacey during the years 1863 and 1864, with the amount paid each for salary and over-work, will be found in the Journal of the House of Representatives of the 23d inst., transmitted by the Auditor General; that no fees are allowed or paid by the Commissioner, and that the number of hours constituting a day's work during said years 1863 and 1864 have been six and a half.

Very respectfully,

CYRUS HEWITT,

*Commissioner.*



[ No. 32. ]

OPINION of the Attorney General, in response to a resolution of the Senate, relative to the constitutionality of submitting, at the election in April next, certain proposed amendments to the Constitution.

ATTORNEY GENERAL'S OFFICE,  
Lansing, February 24, 1865. }

*To the Honorable, the Senate of the State of Michigan:*

I had the honor to receive from your Secretary, on the 22d inst., a certified copy of a preamble and resolution, adopted by your honorable body, on that day, which are in language as follows, to-wit:

"Whereas, Certain amendments are proposed to be made to the Constitution of this State, and to submit said amendments to a vote of the people at the spring election, to be held in April next;

"And whereas, Said submission is of doubtful constitutionality; therefore,

"Resolved, That the Attorney General be, and is hereby requested to transmit to the Senate his opinion as to the constitutionality of submitting said proposed amendments at the election to be held in April next."

Having considered the question of "the constitutionality of submitting the proposed amendments at the election to be held in April next," I am clearly of the opinion, that the election to be held in that month, not being "*the next general election thereafter*," within the spirit and meaning of section 1, Art. 20, of the Constitution of this State, they cannot then be submitted to the electors of Michigan, for their ratification and approval, and I have so to advise you.

The considerations which have brought me to this conclusion, are mainly the following:

The Constitution of 1850 of this State, so called, is not a new one, but a *revision* of that of 1835, the *intention* of the people evidently being, not the establishment of a new government by devising and adopting a new Constitution, but simply *the improvement* of the government they then had, by and through a *revision* of their Constitution of that day. Hence, it is, that the Constitution is now *substantially* the same as in 1835, securing to the people, as it does, *the same form of government*.

Sec. 1, Art. 20, above referred to, which makes provision for the amendment of the Constitution, and which must be strictly complied with, as it furnishes the rule, is in language as follows, to wit:

"Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on their journals respectively, with yeas and nays taken thereon; and the same shall be submitted to the electors *at the next general election thereafter*, and if a majority of the electors qualified to vote for members of the Legislature, voting thereon shall ratify and approve such amendment or amendments the same shall become part of the Constitution."

Language thus plain and unambiguous, though it were nowhere else repeated in our statutes or Constitution, can admit of no question other than the one raised in the above-mentioned preamble and resolution. But framed in 1850, as this



section of the Constitution was, with, as I think, *sole reference* to the well-known meaning of the words, "general election," they then having long been defined by statute, and that definition at that time being, "*the words 'general election,' shall be construed to mean the election required by law to be held in the month of November,*" it is difficult to perceive, that "the election to be held in April next," is by any fair and reasonable interpretation, such a "general election" as comes within the purview of section 1, above quoted; or, in other words, that any election is referred to, other than that to be held biennially in the month of November. This definition has been one fixed by statute, before, and ever since, the revision of 1838; it was the only one known to the laws of the State in 1850, up to which year there had been no "general election," so called or known, except that held annually in November. Nor does our revised Constitution provide for or require any "general election" to be held, except that to be held in the month last named. Though these considerations would, perhaps, necessarily preclude all other elections, since provided for by statute, from being regarded as such as are contemplated by the words, "general election," as used in section 1, above quoted; still, I offer additional ones.

It is, I believe, a well settled rule of construction, that whenever a phrase, or particular words used in an instrument, are known to have a certain definite meaning, they shall be presumed to have the same meaning when used in any other part of the same instrument, unless it be made clear by their context that they were intended to have one meaning in one part of the instrument, and a different one in another. Seeing that these words, "general election," as used in section 2, Article 20, clearly refer to "*the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter,*" in which year none but annual township meetings for the election of township officers, and the "general election" for the election of officers mentioned in section 25 of the Compiled Laws of 1857 of this State, are yet authorized or re-

quired to be held; and applying the above mentioned rule of construction, we cannot escape the conviction, as it appears to me, that in section 1, of the same Article, the "general election" required to be held in the month of November, was the only one contemplated. Certainly, the words, "general election," are the same in each section; and therefore, as I think, so is their meaning. But these words are also used in other parts of the Constitution, and in every instance when and where so used, they seem to point to one and the same election. Let us see.

Sec. 1, Art. 13, reads as follows, to wit:

\* There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education, one for two years, one for four years, and one for six years; and at each succeeding biennial election, there shall be elected one member of such board who shall hold his office for six years."

Sec. 1, Art. 8, provides, that "at each general biennial election," there shall be elected certain State officers.

Sec. 34, Art. 3, provides, that Senators and Representatives to the State Legislature, shall be elected on the Tuesday succeeding the first Monday of November in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter."

The Governor and Lieutenant Governor are required, by the Constitution, to "be elected at the same times and places of choosing the members of the Legislature."

Sec. 2, Act 15, provides that, "no banking law, or law for banking purposes, or amendments thereof, shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election."

See, also, Sec. 16, of the Schedule of the Constitution, which requires the Constitution as revised in 1850, to "be submitted to the people for their adoption or rejection, at the general election

to be held on the first Tuesday of November, *one thousand eight hundred and fifty,*" &c.

Members of Congress and county officers, by statutory requirement, have always been elected at the same "general election," since our State organization.

On account of these facts, not all that might be mentioned, however, the election held in the month of November, has always emphatically been a "*general election.*" At no time since Michigan was admitted into the Union, as a State, to the present day, has it been possible to speak of the "general election," without *this, and only this election, held in the month of November,* suggesting itself to the mind. No better test as to the meaning of the words referred to, could be desired.

To urge, that the election "to be held in April next," is a "general election" within the meaning of Sec. 1, Act 20, of the Constitution, because the electors of the State will generally participate in it, will, I think, hardly do. This reasoning would make the election of a State officer, at any special election, were one provided for, and held, a "general election." I think the true construction, rather, is, that it should be held to mean, tested by this method, some election at which *the public officers of the people, are generally elected;* it being *the number and importance of the officers voted for,* that give object and character to the election, rather than the number of electors who cast their ballots. Viewed in this light, it is clear, that the "general biennial election," held in the month of November, is *the election* referred to by Sec. 1, Art. 20, of the Constitution of this State.

Again: to amend the Constitution as framed and adopted in 1835, required a period of about two years, thus affording opportunity for investigation and deliberation, always desirable in establishing or changing fundamental law. The Constitution, as revised in 1850, according to the view herein expressed, requires, for the purposes of amendment, about the same length of time. But if the election biennially held in April, for the election of judges, be such a "general election" as

admits of proposed amendments to the Constitution being then voted upon, the work of amendment becomes one of a half year, so far as the action of the people and their Legislature are concerned. That such haste, in so important and vital a matter, was contemplated, or is consistent with the dignity and interests of a sovereign State, and the stability which should characterize its institutions, is, as it seems to me, not for a moment presumable.

But light is also shed upon this subject, by the action of the Convention of 1850, which revised our Constitution. The Constitution of 1835, as that Convention found it, left the mode and time of voting upon amendments duly proposed, at the discretion of the Legislature. As Secs. 1 and 2, Art. 20, were first reported to the Convention by the committee "on the mode of amending and revising the Constitution," the mode and time of passing upon proposed amendments, by the qualified electors, were still left at the discretion of the Legislature; but the question of "a general revision," was required by Sec. 2, as so reported, to be submitted to "the electors qualified to vote for members of the Legislature," and "at the general election to be held in the year eighteen hundred and *sixty-five*, and each *fifteenth* year thereafter, and also at such times as the Legislature might by law provide." The words "*sixty-five*" and "*fifteenth*," were stricken out of this section, and "*sixty-six*" and "*sixteenth*" substituted in their stead, for the reason that these sections were so reported at an early day of the Convention, *and under the impression that a "general election" was to be held in each year in the month of November*; but at the date of this last mentioned action of the Convention, it then having been determined to hold "general *biennial* elections," such amendments became important and necessary, one honorable member of the Convention remarking in support of the amendments, that,

"In the year 1865 there will be no election, for we have settled in the legislative article that the first election under this

Constitution shall be in 1852. Fifteen years from that time there will be no election."

So, too, every word and act of the Convention bearing upon this subject, show that the words "general election," as always understood and employed by the Constitution or its members, had exclusive reference to the "general election" now, as always heretofore by law required to be held in the month of November, and at no other time.

That the electors of the State, when they voted upon the question of the ratification and adoption of the revised Constitution in 1850, presumed, as they must be, to have been familiar with every consideration that controlled the Convention, so voted with like impressions as to the intention and meaning of the words, "general election," cannot, I think, be reasonably denied.

It being true, then, as every consideration thus far noticed would seem to indicate, that these words, "general election," as used in section 1, Article 20, had reference only to the "general biennial election" required to be held in the month of November, "in 1852," and in every two years thereafter, it will not, I presume, be claimed that this intention can be enlarged or varied by an act of the Legislature. Certainly, it cannot rightfully be so claimed, for that would be to place the Constitution upon a level with the statutes of the State, giving it no greater importance or solidity. This the people cannot afford to do.

If the foregoing views be not correct, it necessarily follows that the vote taken upon the adoption of certain proposed amendments to the Constitution, at the election in each of the years of 1860 and 1862, such submissions to the electors being required to be "at the next general election thereafter,"—that is, next after they are proposed by the Legislature—are illegal and void, because in each instance, a judicial election intervened, participated in by the electors throughout the State. That we, as a commonwealth, have made two such grave and mischievous

mistakes, as they would prove to be, if so held by the Legislature and Courts of the State, I am not prepared to believe.

Believing, then, that the framers of the revised Constitution, and the electors of the State who adopted it, understood the words, "at the next general election thereafter," as used in Sec. 1, Art. 20, to have exclusive reference to "the general biennial election" required to "be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of *every second year thereafter*," and knowing that "Legislative construction," so far, has been in strict accordance with this view; I, therefore, have to advise you, as stated at the outset, that, in my judgment, it would not be Constitutional to "submit said proposed amendments at the election to be held in April next."

See Revised Statutes of 1838, page 3, subdivision 19, and page 7, Sec. 1. Also Revised Statutes, of 1846, page 37, subdivision 19, and page 40, Sec. 1. Also Compiled Laws of 1857, page 89, subdivision 19, and page 102, Sec. 1. Also Convention Debates of 1850, pages 7, 19, 26, 466, 530-1-9, 583, 699, 884, 911.

I have the honor to be,

Your most obedient servant,

ALBERT WILLIAMS,

*Attorney General.*

[ No. 88. ]

REPORT of the Committee on State Affairs, in relation to the  
destruction of fish in the waters of this State.

The committee on State affairs, to whom was referred the special message of His Excellency the Governor, relating to destruction of fish in our waters, by the use of pound or trap nets, respectfully report, that after much time spent in gaining information upon this subject, they have been unable to get testimony sufficient to satisfy them that the pound or trap net is calculated to destroy the stock of fish; but the great preponderance of testimony furnished your committee, by men supposed to be experts, on this subject, as well as documentary testimony, go to show that the pound or trap net is constructed with large meshes, thereby allowing all small or part grown fish to escape. The fish, when once in these traps, are not injured, but remain perfectly free to swim within a given space, and are taken out with hand nets, at pleasure, alive and uninjured, thereby seeming to be the most economical manner of catching full grown fish, and not destroying smaller ones by the operation, as is the case with sein fishing. Again: it is claimed that the white fish, the most valuable by far, of all the numer-

ous varieties, grows rapidly, matures about the second year, and scarcely ever survives the fourth year; hence, catching this class freely, considering their prolific production and short existence, could make no perceptible deminution in quantity, and only serves the purpose of adding so much to the real productions of the country, which would otherwise be lost.

Again, it is claimed that other species of fish, such as sturgeon, muskalange, and the like, are the great destroyers of the spawn of white and other fish, while in process of incubation. By this means more embryo fish are destroyed than it were possible for the skill of man to equal, by his appliances, after the maturity of the fish.

The trap or pound net is well adapted to taking sturgeon, muskalange, &c., which being long long-lived fish, and not over fruitful in reproduction, may be materially diminished by their use. On certain fishing grounds in Lake Erie, where pound or trap nets were used, and accurate account of the catch kept for five successive years, the following results are shown, during the months of April, October, and November:

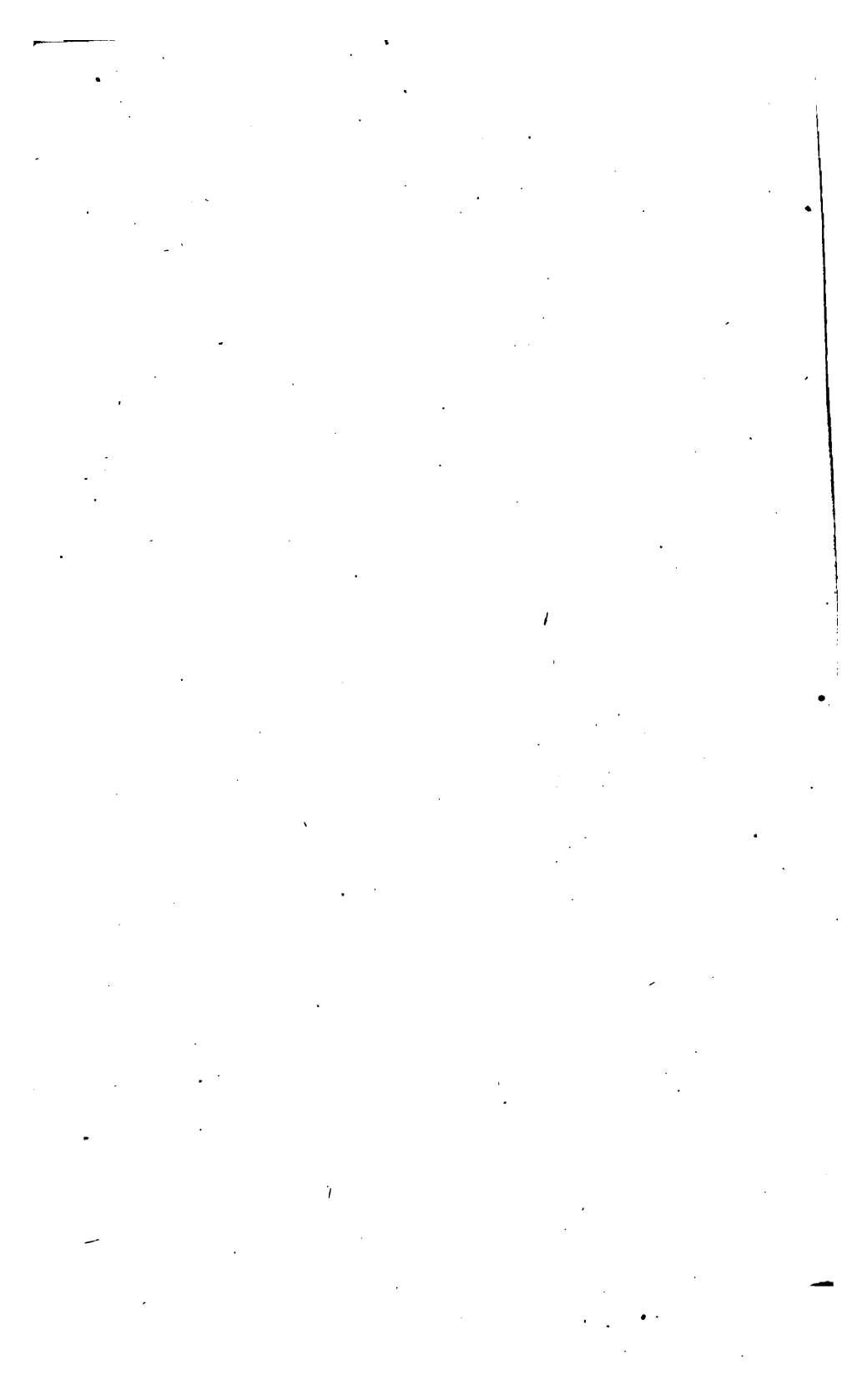
In 1860,	there were taken per day, about.....	30 tons.
In 1861,	" " " .....	35 tons.
In 1862,	" " " .....	40 to 41 tons.
In 1863,	" " " .....	50 tons.
In 1864,	" " " .....	50 to 51 tons.

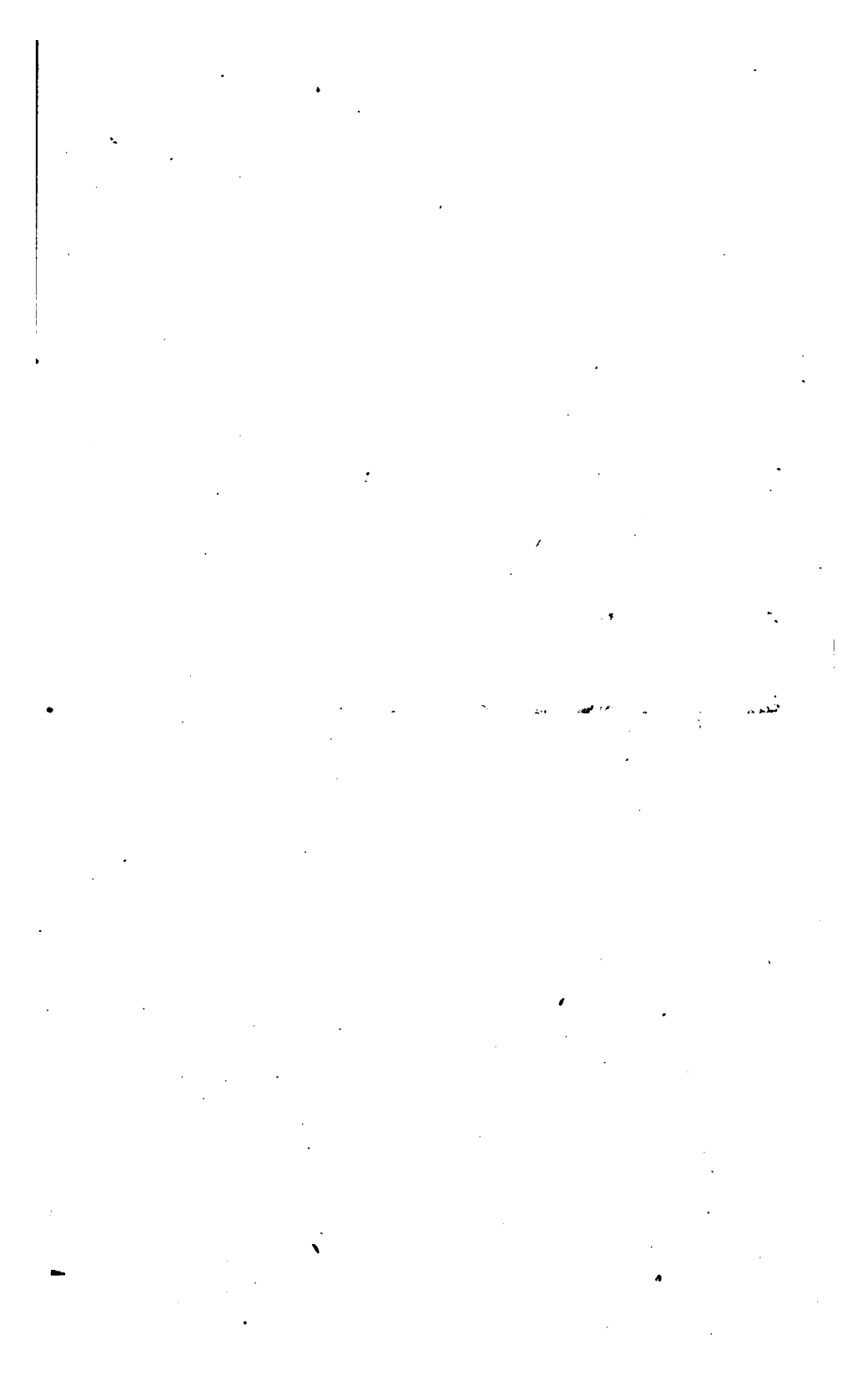
An invariable law of nature of fish, is to make regular visits to its native grounds, hence if the destruction of the spawn is prevented, the stock of fish will increase in any given locality as is shown by the above figures, notwithstanding the most active efforts of the fishermen, when the catch is confined to full-grown fish.

Your committee are of opinion that legislation to prevent the use of trap or pound net fishing, would be injurious to the best interests of the State, and have directed me to report the message back to the Senate, and ask to be discharged from the further consideration of the subject.

D. H. JEROME, *Chairman.*







LEGISLATURE, }  
1865.

} SENATE Doc.  
No. 34.

[ No. 34. ]

COMMUNICATION from the Auditor General, relative to the internal improvement lands granted, of the amount of lands and cash, warrants drawn, etc.

AUDITOR GENERAL'S OFFICE, }  
Lansing, March 1, 1865. }

To HON. E. O. GROSVENOR, *President of the Senate*;

Sir—In compliance with a resolution of the Senate, adopted February 27th, and communicated to me by the Secretary of that body, I have the honor to submit a statement of internal improvement lands granted and appropriated; of the amounts of lands and cash, warrants drawn, etc., which statement gives all the information asked for in said resolution, and shows the condition of the internal improvement fund.

Very Respectfully,

E. ANNEKE,  
*Auditor General.*

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[illegible]

Act 103, 1848,	8,000 00	8,750 00	8,750 00	8,750 00	
Road in Livingston and Genesee counties,	8,000 00	8,750 00	8,750 00	8,750 00	
St. Joseph and La Grange State Road,	4,000 00	5,000 00	4,100 00	900 00	
"182, "	4,000 00	5,000 00	4,050 00	950 00	
"183, "	3,000 00	3,750 00	3,750 00		
Improvement of Kalamazoo River,	3,000 00	3,750 00	3,750 00		
"184, "	7,000 00	8,750 00	8,728 64	21 36	
Benefit of Holland Co., Saginaw and Tuscola Cos,	7,000 00	8,750 00	7,811 89	2,038 11	
"185, "	2,000 00	2,500 00	2,381 00	119 00	
Detroit and Grand River Road,	2,000 00	2,500 00	2,381 00	119 00	
"186, "	4,000 00	5,000 00	5,000 00		
Road in Leapee and St. Clair counties,	4,000 00	5,000 00	5,000 00		
"187, "	6,000 00	7,500 00	7,500 00		
Road in Kalamazoo county,	6,000 00	7,500 00	7,500 00		
"188, "	6,000 00	7,500 00	7,500 00		
Pontiac and Grand River Road,	6,000 00	7,500 00	7,500 00		
"189, "	6,000 00	7,500 00	7,500 00		
Roads in Clinton county,	6,000 00	7,500 00	7,500 00		
"174, "	6,000 00	7,500 00	7,500 00		
Improvements and Bridges at Lansing,	7,000 00	8,750 00	8,750 00		
"189, "	7,000 00	8,750 00	8,750 00		
Eaton Rapids and Michigan Road,	7,000 00	8,750 00	8,750 00		
"190, "	10,000 00	12,500 00	12,500 00		
Constantine and Paw Paw Road,	10,000 00	12,500 00	12,500 00		
"283, "	20,000 00	25,000 00	25,000 00		
Bridge at Kalamazoo,	20,000 00	25,000 00	25,000 00		
"284, "	6,000 00	7,500 00	7,500 00		
Northern Wagon Road,	6,000 00	7,500 00	7,500 00		
"285, "	6,000 00	7,500 00	7,500 00		
Road in Branch County,	6,000 00	7,500 00	7,500 00		
"287, "	8,000 00	10,000 00	10,000 00		
Road from Lexington to Roger Mills,	8,000 00	10,000 00	10,000 00		
"288, "	8,000 00	10,000 00	10,000 00		
Albion and Eaton Road,	8,000 00	10,000 00	10,000 00		
"289, "	8,000 00	10,000 00	10,000 00		
Mason and Dexter Road,	8,000 00	10,000 00	10,000 00		
"290, "	8,000 00	10,000 00	10,000 00		
Roads and Bridges in Leakee County,	8,000 00	10,000 00	10,000 00		
"291, "	1,000 00	1,250 00	1,250 00		
Bridge at Pontiac,	1,000 00	1,250 00	1,250 00		
"292, "	1,000 00	1,250 00	1,250 00		
Bridges in Greenfield and Springwells,	1,000 00	1,250 00	1,250 00		
"293, "	6,000 00	7,500 00	7,500 00		
Road and Bridges in Genesee and Holland Colony,	6,000 00	7,500 00	7,500 00		
"294, "	8,000 00	10,000 00	10,000 00		
Bridges in Kent County,	8,000 00	10,000 00	10,000 00		
"295, "	2,000 00	2,500 00	2,500 00		
"114, 1855,	2,000 00	2,500 00	2,500 00		
Wairosville and Lower Saginaw Road,	2,000 00	2,500 00	2,500 00		
	562,828 77	708,655 96	608,900 28	200,490 06	

## RECAPITULATION.

AMOUNT OF APPROPRIATIONS.	
Amount of Appropriations prior to February, 1887, \$62,928.77 acres, equal to "over-paid," .....	
" Land Warrants drawn on said Appropriations, .....	\$503,300 23
" Cash " .....	187,500 00
<b>Balance,</b> .....	\$703,635 96 154 32
<b>Amount of Appropriations, (including over-payment, \$154 32,) .....</b>	\$703,690 28
<b>Amount of Grant, 600,000 acres, equal to .....</b>	\$698,700 23
<b>Amount of Appropriations (including over-payments, \$154 32,) in excess of Grant, .....</b>	\$13,990 05
<b>Amount of Warrants drawn, .....</b>	\$103,690 28
<b>Amount of Grant, .....</b>	\$695,000 00
<b>Amount of Warrants drawn in excess of Grant, .....</b>	75,090 28
	703,690 28
	\$695,000 00
	66,700 28
	\$690,700 28

The Internal Improvement Fund is credited with the proceeds of all Internal Improvement Lands sold; the amount so credited to date is \$622,484 84. The Fund is largely overdrawn, the debit balance at the close of the last fiscal year being \$2,420,627 37.

Note.—An analysis of the Land Warrant account for the purpose of preparing the foregoing table, led to the discovery that in a few instances, substitutes were made for original warrants (issued in place of those lost or destroyed) had been entered as originals. Some figures in the statement of January 27, 1886, taken from the footings of the Land Warrant account are, therefore, erroneous. The correct figures are as follows:

1. Amount received in Land Warrants, ..... \$498,075 38
2. Amount received in cash or cash indebtedness, ..... 113,668 72
3. Amount of Land Warrants paid, ..... \$401,196 61
4. Amount of Land Warrants outstanding, ..... 5,268 63

Total amount sold to February 16, 1887, ..... \$611,744 10

[ No. 35. ]

**REPORT** of the majority of the Select Committee, relative to the petitions of citizens of Detroit, asking the passage of a law to authorize the formation of Mechanics and Laboring Men's Coöperative Associations.

Report of the majority of the select committee on the petitions of over 1,000 citizens of Detroit, asking the passage of a law to authorize the formation of Mechanic and Laboring-men's Coöperative Associations:

The majority of the select committee to whom was referred the petitions of over one thousand respectable citizens of the city of Detroit, praying this honorable body to take from the table

A bill to authorize the formation of Mechanics and Laboring-men's Coöperative Associations,

And pass the same, beg leave to report.

Coöperative Associations are, comparatively speaking, of recent origin. But, as this is a living age—an age of progress in all the arts and sciences—it will be well for us to consider what is coöperation, its objects and aims, before we attempt to condemn the principal.

John Stuart Mill, in his principles of Political Economy, has truly said that "the aim of improvement should not be solely to place humanity in a condition in which they will be able to instruct one-another, but to enable them to work with or for one-another, in relations not involving dependence."

This is coöperation, and *dependence* is the key-stone that should unite and bind mankind more closely together. The employer and the employed should be linked together for the welfare and prosperity of each other. Capital should not be independent of labor, or labor independent of capital, but on the contrary, there should be a complete mutuality existing between them.

Formerly, it was the custom for working-men to believe that the protection possessed by labor against the encroachment of capital, consisted in the trades' union, or a strike. Nor was this surprising, when we remember how little the truths of political economy, or economical science were studied, we may truly say, by any class of the community, until a comparatively recent date. But this is no longer the case. Those who were hitherto strangers to economical science, have become adepts and teachers, and apply, with astonishing alacrity and aptness, these principles to their own advantage.

Many persons deem coöperation to be a new form of communism or socialism. Others claim, (and we utter it with regret,) that coöperation will encourage strikes among the working classes, facilitate their frequency and make them occur often—place capital at the mercy of labor and render it unsafe; hence the bill under consideration should not be passed.

These propositions we emphatically deny. The bill under consideration does not propose to establish such measures, or aid in accomplishing such ends.

The days of strikes are past. Intelligence has taken the place of ignorance, and the laboring man has learned that



it is to the economical and wise use of his wages, and not to the waste and mis-expenditure of a strike, that he must look for that emancipation from the thralldom which an unjust and merciless employer can always inflict on the poor and necessitous working man,

Let us for a moment examine the principle of coöperation upon its own merits, and ascertain if it is entitled to our support, upon the broad principles of justice and equality.

What are railway companies, banking associations, the different insurance companies, mining, manufacturing, smelting, and the thousand and one other companies created by the laws of this State? They are nothing more or less than coöperative associations, all based on the coöperative principle, only the members are chiefly capitalists. Therefore, correctly interpreted and acted upon, coöperation signifies the doctrine of self-help.

1. The law prayed for, if passed, will authorize ten or more persons to unite, as mechanics and laboring men, in any coöperative association, for the purpose of purchasing groceries and provisions, and to sell the same to the stockholders and others, at such reasonable price over the cost as will enable the association to obtain the same.

2. To authorize the mechanics belonging to the association to manufacture their own boots, shoes, clothing, flour, and other necessary articles, deposit them in the coöperative store, sell the same, and enjoy the fruits of their own labor, instead of giving it to the capitalist.

3. The capital stock in no case to be less than \$5,000, nor more than \$500,000, divided into shares of not less than ten dollars.

4. The stockholders and directors are jointly and severally liable for all debts for labor performed for the corporation, besides all debts incurred to the amount of the capital stock by each subscribed.

These are, in brief, the leading features of this bill that capitalists dread.

merchants are to-day insolvent. To what principle are over two-thirds of the Senators composing this body, indebted for the honorable position they now hold, if not to the principle of co-operation, individual if not organized—nearly all of these having risen from the very class now asking legislation? Can it be possible that we, who pride ourselves upon our wisdom—we, who are foremost in all the arts and sciences of a free and enlightened country, and boast of this as the asylum for the down-trodden and oppressed of all nations—we, who claim that our government is the model for the successful, and the refuge for the unsuccessful patriot in his struggles for liberty, against the tyranny of the old world—will deny our citizens a boon conferred by regal governments? We trust not. Your committee, therefore, recommend the passage of the bill.

HUGH McCURDY,

*Chairman.*

WILLIAM JAY.



[illegible]



ting against the tide of slavery, oppression and tyranny, and nobly defending the cause of truth, justice and liberty.

Michigan has not been much engaged in war until the last four years, consequently her military heroes are of late date, and those, are nearly all yet in the field, fighting against the enemies of our government. Many of them have won a fame by their heroic acts and daring bravery worthy of commemoration, and their names are already engraven on the hearts of a grateful people, who in due time will not fail to honor them as they deserve.

When this dreadful war is over, and the glad song of peace begins to be heard all over this broad land, then will it be a fitting time to gather the laurels of our military heroes, and to erect monuments to their names in honor of their heroic deeds.

Your committee believe that the time has not yet come for the selection of the names referred to, and would recommend that the proper authorities be requested to set apart a place for statues, where, at some futuro time, when Michigan shall have selected those honored names and furnished the statues, they may be placed and represent this State in the old Hall of the House of Representatives of the United States.

Your committee ask to be discharged from the further consideration of the subject.

J. G. WAIT, *Chairman.*







[ No. 37. ]

REPORT of the Finance Committee, relative to the memorial of Allen R. Burr, praying to be released from his liability to the State as one of the sureties on the official bond of John McKinney, late State Treasurer.

The finance committee, to whom was referred the memorial of Allen R. Burr, praying that he may be released from his liability to the State as one of the sureties on the official bond of John McKinney, late State Treasurer, and to whom was also referred House joint resolution No. 22, entitled

A joint resolution for the relief of Allen R. Burr,

Have considered the same and respectfully report:

An official bond is an obligation given for the faithful discharge of the duties of a public officer. The surety is one who undertakes, in case of the failure of the principal, to make the loss or damage by reason of the misfeasance, good. The obligation of the surety is a deliberate act, under his hand and seal, by which he voluntarily agrees to be responsible for the acts of another. These obligations in many instances, are the only security that the public have to protect them against the commission of frauds and wrongs by persons in official stations.

It has come to be too often the case that parties assume all the liability of official bondsmen without careful consideration, and when called upon to make good a deficiency on the part of their principal, they seek to protect themselves from their engagements by an appeal to legislation. To heed such applications has of late become too common, and tends to make responsibilities of this kind but mere formalities, "signifying nothing." In the judgment of your committee, the public interests should be guarded with the same watchfulness and care that a prudent man would exercise in the management of a private interest. Every man contracting with the State should be held "according to his bonds," unless considerations of justice and equity press with unusual force, and seem to furnish extraordinary reasons for a release from the "guarantee."

This case should not be an exception; and however much we may sympathize with the misfortune of the persons who find themselves and their families likely to be stripped of property to pay a debt for which they have received no consideration or benefit, such circumstances afford no proper reason for granting the prayer of the petitioner. If we should suffer ourselves to be ruled by sympathy in such cases, and should exonerate every man upon whom the liability is a hardship, all bonds might properly be declared a form without substance, and the familiar term "straw-bail," might with great propriety, be applied to all such obligations.

The question then arises, whether there are good and sufficient reasons, aside from the hardships and inconveniences resulting from holding him to his suretyship for the release of the applicant.

The petitioner, with Kinsley S. Bingham, Silas M. Holmes, Whitney Jones and Champlin Havens, became sureties on the bond of John McKinney, a former State Treasurer. McKinney turned out to be a defaulter to the State, in a large sum of money, and was arrested, convicted, and sent to the State Prison, for the term of seven years. In the mean time, Bingham, one of the sureties, died. After his death, a suit was

commenced upon the bond, but no proceedings were taken to make his representatives parties to the suit; nor was the claim, growing out of such bond, ever presented, for allowance, against said estate; but said estate was settled, without reference to its liability upon the bond. The petitioner claims that the omission, by the State, to prosecute said claim, and to secure the allowance thereof against said Bingham estate, has had the effect to release one of the obligors, and is, in fact, a discharge of all

It does seem to your committee as though the sureties in the bond, contracted together, and with reference to a common responsibility, so that in case of loss, any one of them having the debt to pay, might have recourse for contribution upon his co-sureties, and that any neglect or failure upon the part of the State by reason of which a remedy is lost against one, legally affects all, and makes a recovery on the bond against the others questionable and doubtful. It is said that a surety will be discharged by any act or omission by the holder of the bond, injurious to his rights.

The bond is joint and several, and each of the obligors is liable for the whole amount of the default. Now it can hardly be said to be equitable or just to compel one of the bondsmen to make good the whole amount of the default, and yet he be by the laches of the State deprived of a remedy against his co-sureties.

Your committee believe that this claim, by force of circumstance has become but a mere shadow, and that all the expense to which the State might be put in the effort to enforce it, would be only money thrown away. The sureties in the bond are represented to be worthless, and in the event that the State at the end of a suit should obtain judgment, there is no probability that the claim or any part thereof, would ever be collected. The principal debtor has been relieved from a measure of the punishment imposed upon him for his crime, having been pardoned out of the State Prison, and to hold the demand simply for the purpose of harrassing his bail, would, in the opinion of your committee, be unwise, and contrary to good public policy.

It is an old maxim that "there should be an end of suits, lest while men are mortal, these should be immortal," and prudence and the public welfare dictate that the State, like an individual, should avoid uncertain and useless litigation.

It is but just that your committee should say that they have been unable to discover any good reason for the reflection cast upon the late Attorney General in the memorial of the petitioner. They have no cause to believe that that officer intentionally neglected and refused to present this claim to the Bingham estate for the purpose of prejudicing the rights of the memorialist, or the other sureties in the bond. So far from this, your committee believe that the failure to present this claim has inured to the benefit of the bail, and that the reason why the same was not presented for allowance, was because the said estate was represented to the Attorney General as bankrupt, and wholly worthless.

The committee, impressed with the importance of holding parties to a strict accountability upon their obligations to the State, and anxious to avoid establishing any precedent for loose legislation, have candidly and carefully considered this subject for the purpose of ascertaining the requirements of strict justice and duty, and they have come to the conclusion that there are good and substantial reasons for releasing the applicant from his liability, and recommend that the joint resolution do pass, and ask to be discharged from the further consideration of the subject.

V. P. COLLIER, *Chairman.*

[ No. 38. ]

**PROTEST** of the Hon. Loren L. Treat, against the passage of the preamble and resolutions ratifying the amendment proposed by Congress, abolishing slavery in the United States.

Believing the passage by the Senate of the preamble and resolutions ratifying the amendment of the Federal Constitution proposed by Congress, abolishing slavery in the United States, to be in contravention of the spirit in which our government was formed, and tending to the subversion of the principles on which it was based, the undersigned, availing himself of his constitutional rights, and of the courtesy of the Senate in this respect, would dissent from, and respectfully but earnestly protest against the same, for the following reasons:

Without intending any animadversions upon the opinions or action of honorable gentlemen who may have found it consistent with their duty to act in an opposite direction to myself, yet, I am constrained to say that I can but characterize the action of the Senate as hasty and inconsiderate, if not, indeed, premature and illegitimate. We may not thus lightly trifle, under the whip and spur of partizan zeal, or of anxious desire, with the great principles of free government. The formation, or, as in this case, a radical change in the organic

law of a great nation, is an act of such deep and solemn import, of such magnitude, as to demand the exercise of the most profound thought, careful deliberation, mature judgment and ripe discretion. We should act, and only act in this respect, when formally notified of the action of Congress through the ordinary channels of official intercourse.

For one, I cannot consent to change the Constitution which our fathers adopted, only after long months of anxious deliberation, upon the announcement of an unofficial telegram merely, which comes to us with the speed of lightning, and asks of me, as a Senator, the same instant and rapid action.

The Federal Government is one of limited powers, and within those powers, and in the exercise of those powers, is supreme; and in all things national, it may act without the concurrence or even in opposition to the will of the States. In all things local, however, and within the powers reserved to the States and not delegated to the Federal Government, the States are supreme. The founders of the government found slavery existing within the States as a domestic institution, entirely dependent upon separate State action for its existence or extirpation. After fully considering the subject, they left it where they found it, with the States, to be regulated and disposed of by the States respectively, as to them might seem most promotive of their interest and welfare. That three-fourths of the States may amend the Constitution, that such was the agreement in the provisions of the national compact, I admit; but a power to amend, gives no power to abrogate; a power to amend gives power to perfect the machinery of the government, for the more successful performance of its legitimate functions, which are, and were designed to be of a national and not of a local character, and as such are clearly of a protective, and not, as in this case, violative of and aggressive upon the rights and powers of original and reserved sovereignty in the States. That the people are the source of all political power, is well recognized. The people of the States, acting in their sphere as such, may respectively confer any portion of their original

and reserved powers upon the Federal Government, which is the recipient and not the source of power.

As no State can revoke the powers with which, in her sovereign capacity, she has invested the federal government, so that government cannot aggregate or draw to herself the sovereign powers of the States. If the Federal Government, or the people of the United States, acting in their national capacity merely, may strip the States of any portion of their original and reserved sovereignty in this respect, they may in any other, and in all respects, until the States are swallowed up in a whirlpool of centralized power—an ultimate which the framers of the constitution so much feared—against which they sought to provide effectual barriers, by confining the government strictly to the enumerated powers.

Andrew Jackson has admonished us to frown indignantly upon every attempt to increase the powers of the Federal Government at the expense of the reserved sovereignty of the States. If three-fourths of the States can abolish slavery in all the States against the will, or without the action of the other one-fourth, then the like number may in like manner establish it in all the States. If three-fourths of the States, or the people in their national character, are sovereign to do the one, then they are equally so to do the other. Either is revolutionary in its character, and is the exercise of a revolutionary right merely, and none the less so because it is sought to be hypocritically done under the forms of law. Upon the same principle, three-fourths of the smaller States can unsettle the equilibrium of representation to the larger States in the lower House of Congress.

The preamble to the resolution assumes the fact that slavery is the cause of the war. I dissent from this conclusion, and attribute it to an unwarrantable agitation of the question of slavery, the inevitable tendency of which was calculated and designed to alienate one section of our country from the other, regardless of the prophetic voices of our great and good statesmen of all parties, warning us of the inevitable result, and the

truth of which the terrible calamities of the war but too clearly establish. Although it is urged that be the cause of the evils now weighing us down and taxing all our energies, either slavery or the agitation of the question, proper or improper, yet we must abolish it to preserve the life of the nation—as a necessity—for self-preservation. Still I dissent, because it is, in fact, none the less one step in the dangerous direction of consolidation—of vesting in the government intended to be one of limited powers, a despotic power that will most assuredly, ultimately eat out the vitals of the States.

The process of absorption once begun, with the right acknowledged, and there is an end, sooner or later, of the equality, the dignity and the power of the States; their boasted sovereignty, even now scouted, will become a mere myth—disintegration or consolidation is certain to follow. It is the same, in its results, if the people of the United States, in their national capacity, attempt the exercise of this assumed power; in either case, it destroys that equilibrium of power so wisely adjusted, balanced and checked by the framers of the government, under the Constitution. I do but quote the words of Andrew Jackson again, in saying: "Its legitimate authority is abundantly sufficient for all the purposes for which it is created—there can be no justification for claiming anything beyond—and every attempt to exercise power beyond these limits should be promptly and firmly opposed;" and here in my place I promptly and firmly oppose it—not as a question of feeling or of policy, but as a question of power. It cannot be said with any respect for logic or consistency, that this is not an exercise of power, but only proper and lawful action whereby to gain and increase power to the Federal Government by this amendment, (for so it is misnamed,) to be exercised only after it shall have been wrested from unwilling States by an arbitrary ratification of three-fourths, for the objection still remains. It divests the local sovereign of a portion of his powers, and adds it to the federative head, thereby increasing and strengthening the one, and correspondingly weakening the other; and is in "direct



opposition to the spirit in which the Union was formed." Our government is emphatically a government of compromises. Concede the right (other than revolutionary) of detracting little by little, from the sovereignty of the States, and aggregating the same in the national government, and we create an oligarchy out of the ruins of the States. "The concentration of power in the same hands," is well said, by Mr. Jefferson, to be "the true definition of despotic government;" that "it can be no satisfaction that it is to be exercised by a plurality of hands." The fact that our rulers are elective is no alleviation. The same able statesman tells us that "an elective despotism was not what we fought for." Because the South has rebelled against the government, it is assumed they have forfeited all political rights under the government, and deserve to be stripped; as individuals and rebels I admit it, but the States remain, each alike, forming the keystone of the grand arch of federative government, which must remain unbroken and entire, with all the glorious memories of the past, awakening anew our reverence for the deeds of a noble and gallant ancestry—in so far as this action is prompted in a spirit of revenge, it is unworthy, as the solemn and deliberate act of a great nation.

President Lincoln has well said, in his message, "that the abolishment of slavery was the destruction of property." [I quote from memory.]

Now, if to preserve the government and the safety of the whole people, the property of the citizens may be taken, "destroyed," (and I concede it may be,) then the law of compensation follows, and is demanded by every consideration of justice, as well as of public law. This change in the organic law, wipes out property rights instead of protecting them, "destroys property," and assumes to apply its destruction to the public benefit, without any compensating relief to the injured, perhaps impoverished and ruined owner. But, granting the right, I yet fail to discover the propriety of exercising it at this time, and in this sweeping and unconditional manner. All experi-

ence proves that great and sudden changes in the industrial condition and social relations, like the one contemplated, are hazardous in the extreme. It was the opinion of Mr. Jefferson, and, until recently, of Mr. Lincoln himself, that abolition in any event should be gradual. The Northern States, in relation to their action, respectively, on this question, have for themselves made the change gradually. But it is not necessary to quote opinions or enumerate reasons that are so obvious to all. Emancipation, sudden and upon the soil, "with the deep-seated prejudices of the whites, the recollection of wrongs, (fancied or real,) by the negro, with new provocations daily occurring, added to the real distinctions which nature has made," the vast dissimilarity in social condition, the turning loose of millions of comparatively helpless human beings, in a state of entire destitution, without intelligence, without habits of industry or economy, without self-reliance, and in great States desolated by the ravages of war, presents to my mind a scene too horrible to contemplate, and from it I dissent. Jealousies and dislikes will increase and multiply, from sources so fruitful, impelling the races into classes, "engendering such mortal hatreds and antagonisms as will not rest, until the one has extirpated or expelled the other." Shall the government provide relief by public charity? We cannot do it; the people are already overburdened in this direction; debt, inexorable debt, is piling up upon us mountain high. Until grave Senators upon this floor, against all the better feelings of their nature, hesitate at increasing the burden, by giving a few paper dollars, as bounty to the white soldier, who, tearing himself from home, and from the safety and endearments of home, takes his life in his hand, and boldly marches to the cannon's mouth, or runs the terrible hazard of a lingering death by starvation, in Southern prison pens, should we put them at work on confiscated plantations, under control of a "Freedman's Bureau." This will be to them but a change of masters, ministering more to Northern cupidity than to the real welfare of the blacks.

I have not thus far taken into view the great wrong to be done to the white population of the slave States, loyal or disloyal; but I feel to inquire, is this the greeting, fitting and meet, that we send to true and loyal Kentucky in return for the gallant deeds of her brave sons, who, in the better days of the Republic, laid down their lives within the borders of our own State, in defense of the very soil on which we stand here to-day? But is it not believed Kentucky would soon have abolished slavery of her own accord? Let her do it; let her do it; and may God speed her in the act. Yes, let her do it, untrammelled by unconstitutional test oaths, unawed by power, uninfluenced by outside pressure; by the free voice of her own people; and the act shall be as welcome to me "as the flowers of May." Practically, slavery is dead. The rebellion has given it the final blow; "let the dead bury their dead." I do not believe in the administration of punishment after death. In my opinion, our Constitution as it is, is amply sufficient to carry us through all our present troubles, and "needs more to be obeyed than amended." We shall well have done our duty by defending and maintaining the government as it is. When the war is over, and peace again reigns in all our borders; when reason instead of passion and partizan zeal shall guide our councils, and all the States again acting in concert together as at the formation of the government, we will then be in better condition to go calmly and dispassionately about the work of revision in such respects as time, trial, and the ever-varying condition of society shall indicate.

In no other way can we lay honest claim to the cardinal principle, that "governments derive their just powers from the consent of the governed." Trusting that the spirits of my fathers may look down approvingly upon me, I have, from the honest convictions of duty alone, been compelled to dissent from, and solemnly protest against the action of the Senate in this respect.

LOREN L. TREAT.

100

Legislation,  
1865.

SENATE DOCS  
No. 39.

[ No. 39. ]

COMMUNICATION from the Secretary of the Detroit Light Guard, asking the passage of the bill to amend an act entitled an act for the re-organization of the military forces of the State of Michigan, approved January 18, 1862.

The following members of the Detroit Light Guard have been actively engaged in the military service of the United States, or in the military department of this State, during the war:

Alpheus S. Williams, brevet Major General U. S. volunteers.

COLONELS.  
Horace S. Roberts, 1st infantry; killed at Manassas, Aug. 30, 1862.

William W. Duffield, 9th infantry.

Charles M. Lum, 10th infantry.

Henry R. Mizner, 14th infantry.

Heber LaFevour, 22d infantry.

Henry L. Chipman, 102d U. S. colored infantry.

REGIMENTAL COLONELS OF REGIMENTS.

Wm. A. Throop, 1st Infantry.

Fred. W. Swift, 17th infantry.

George Grummond, 14th infantry.

## MAJORS OF REGIMENTS.

John D. Fairbanks, 5th infantry; mortally wounded at Malvern Hill, July, 1862.

Thomas J. Barry, 16th infantry; discharged on account of wounds, but now major in veteran corps.

Robert T. Elliot, 16th infantry; killed in Grant's Virginia campaign.

Edwin B. Wight, 24th infantry; wounded at Gettysburg, and discharged because of wounds.

Ernest M. Bement, in Pennsylvania cavalry.

## CAPTAINS IN REGIMENTS.

Charles E. Wendell, 1st infantry; killed at Manassas, Aug. 30, 1862.

Joseph A. Eagle, 5th infantry.

John O'Callaghan, 5th infantry.

J. Edward Marum, 8th infantry.

Samuel A. Wiggins, 9th infantry.

H. H. Sibley, 16th infantry.

John Tyler, 17th infantry, discharged on account of wounds, at Knoxville, now captain Vet. Reserve Corps.

Wm. J. Speed, 24th, infantry, killed at Gettysburg, July 1st, 1863.

Wm. H. Rexford, 24th infantry, discharged on account of wounds received at Gettysburg, July 1st, 1863.

Nelson Trucky, 27th infantry.

John Rhodes, 1st engineers and mechanics.

F. W. Backus, 1st cavalry.

Frederick C. Adamson, 3d cavalry.

George Robinson, Battery C., 1st artillery.

Thomas Ballard, 1st cavalry.

Charles H. Safford, 5th cavalry.

Rufus W. Jackson, 16th infantry, brevet major.

Robert Wallace, 5th cavalry.

## FIRST LIEUTENANTS.

Wm. J. Lyster, 19th U. S. infantry.

Henry H. Hodgson, 5th Mich. infantry.

Wm. N. Ladue, 5th infantry.

N. Minor Pratt, 8th infantry, adjutant, killed at James Island, S. C.

John J. Lemon, 24th infantry.

H. B. Reen, 1st cavalry.

Alanson Tracey, 3d cavalry, battallion adjutant, died in hospital.

Hobart Miller, 9th cavalry, adjutant.

Hubbard Smith, provost guard.

#### SECOND LIEUTENANTS.

Stevens T. Norvell, 13th U. S. infantry.

Lewis Hartmeyer, sergeant in 1st infantry, and lieutenant in Stanton Guard, in U. S. service.

#### ON STAFF DUTY.

John Robertson, brigadier general. The present'able Adjutant General of Michigan.

James E. Pittman, brigadier general. Inspector General of Michigan.

Jerome Croul, colonel. Member State Military Board.

Friend Palmer, lieutenant colonel. Ass't Quartermaster Gen., Mich.

J. Mason Norvell, major. Ass't Adj't Gen., U. S. Vols.

Wm. D. Wilkins, captain. " " " " "

Henry M. Whittelsey, " " " " "

Lewis C. Forsyth, " " Q. M. " " "

James T. Baker, engineers, Dept. of Gulf. Rank unknown.

In addition to above, 14 men have served as enlisted men, holding positions from sergeant major to private, making 70 men in all who have gone into the service during the war, or engaged in the military departments. The four officers in the departments have been exceedingly serviceable in fitting out troops and otherwise aiding in carrying on the war, their military knowledge enabling them to do this with efficiency.

JOHN J. SPEED, JR., *Sec'y.*





[ No. 40. ]

**MEMORIAL** of A. L. Williams, A. N. Hart and Geo. C. Munroe, relative to the examination into the affairs of the Amboy, Lansing, and Traverse Bay Railroad.

*To the Honorable the Senate and House of Representatives:*

The undersigned respectfully represent that the joint committee of the Senate and House, to whom was referred the memorial of Mead & Robson and others, alleging grave frauds on the part of your memorialists and others, in the management of the affairs of the Amboy, Lansing and Traverse Bay Railroad Company, having heard the testimony presented by the said Mead & Robson and others, in support of their charges, at once closed their investigation of the matters referred to them, and declined to hear the testimony which your memorialists desired to offer, in vindication of their action in the matters complained of; while your memorialists understand that this determination of the committee was based upon the conviction that the evidence submitted wholly failed to substantiate the charges, or make any case authorizing or calling for legislation, they still feel that the committee has deprived them of that full and complete justice to which they are entitled, by

preventing them from spreading upon the same record with the charges, the evidence of their utter falsity, and of the malicious and interested character of the legislative proceeding against your memorialists, and the company which they represent.

Your memorialists therefore respectfully request that the said joint committee may not be discharged from further investigation of the said matters referred to them, but that they be further instructed to renew the investigation, and permit your memorialists to present the proofs of the falsity and malice of the charges made against them, that their defense may appear in the report of the committee, and on the journals containing the charges.

And your memorialists will ever pray, &c.

A. L. WILLIAMS,

A. N. HART,

G. C. MUNRO.

Lansing, March 13, 1865.





[ No. 41. ]

PETITION of Sylvester Backus and others, adopted citizens of Celtic and Saxton descent, and residents of Detroit, asking certain changes in tax laws.

*To the Honorable the Senate and House of Representatives of the State of Michigan:*

Your petitioners, residents of the county of Wayne, in said State, would respectfully represent to your Honorable body, that the Supreme Court recently decided in reference to the tax laws of this State, (vol. 12, Mich. Rep., page 168,) that the whole statute was designed to go together, so that the remedy failing, the whole provisions fall with it.

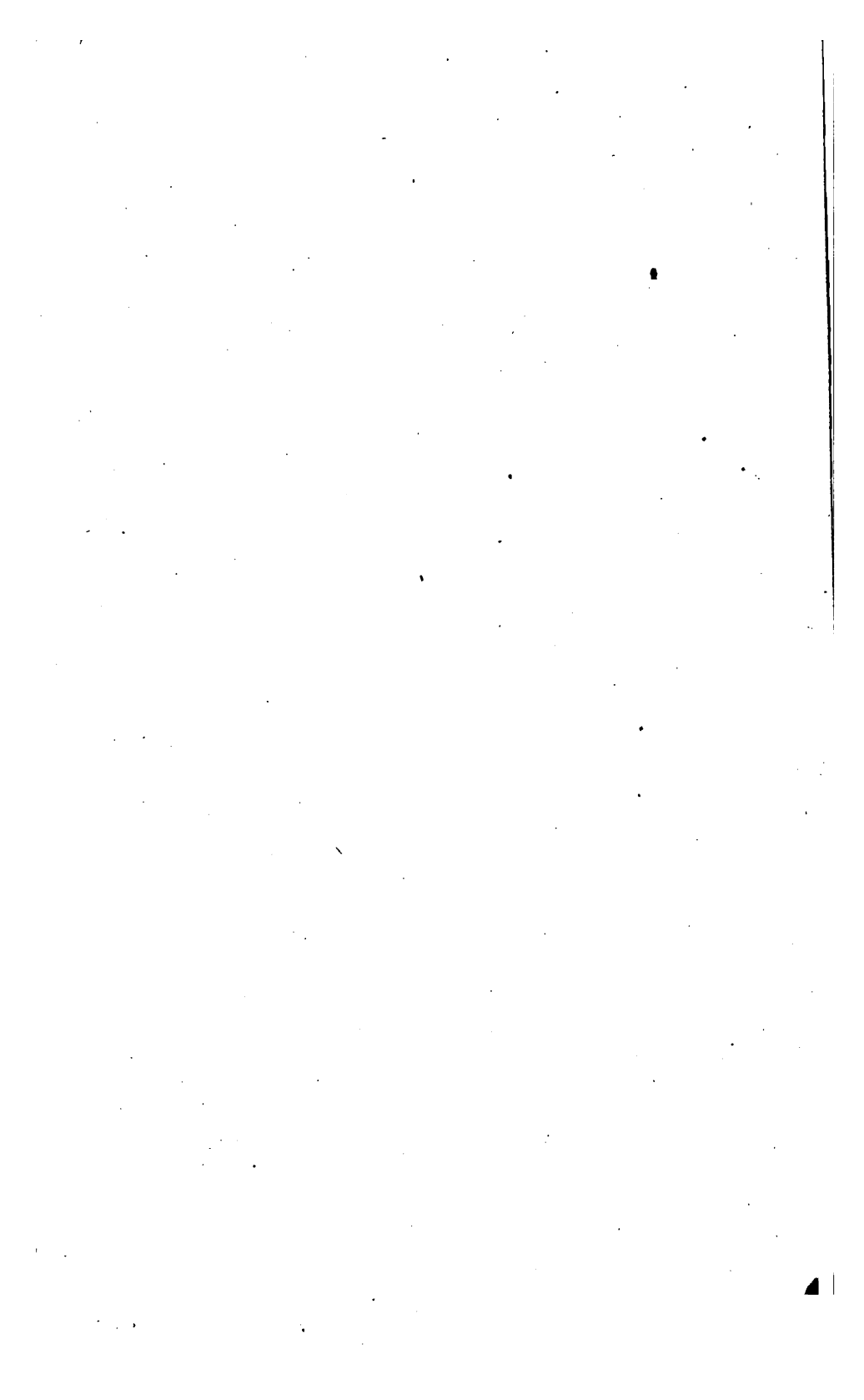
And your petitioners would further represent, that notwithstanding the plain and decided language of that decision, above quoted, that "the whole provisions" of the statute for the assessing property and collecting taxes thereon are void, yet the assessors in cities, and the supervisors in townships throughout the State, continue to assess property and enforce the collection of taxes of merchants, farmers and poor residents throughout the State, and thereby construe that decision, and claim that the court intended to so discriminate between property

holders, that so much of the provisions of the statute are in force and still valid as relates to assessing and collecting taxes upon real and personal estate belonging to all residents, and that those provisions only are void which refer to collecting and enforcing payment of taxes upon real estate belonging to non-residents and speculators.

And in view of the opinion widely entertained, that it has hitherto been the policy of the Legislature and the courts to discriminate in favor of the non-resident property-holders to the extent that they may avoid the payment of their taxes, while residents are compelled to pay, and that such is the effect of the statute as interpreted by the officers of the law, your petitioners would respectfully urge that "the uniform rule of taxation," mentioned in the Constitution, necessarily implies a uniform rule for collecting those taxes; and would therefore respectfully pray, that hereafter, while there is no law for the collection of taxes of non-resident property-holders, that residents may be placed upon an equal footing, and that all the laws which discriminate between the two classes of property-holders may be repealed.

And your petitioners, as in duty, &c.

SYLVANUS BACKUS,  
OLNEY COOK,  
FREDERICK RENDT,  
CHAS. CALVERT,  
PETER ACKERMANN,  
HENRY GASSEN,  
MICHEL THELEN,  
BERNARD LESTER,  
BENOIT TROMBLY,  
HEINRICH VOGT,  
JOSEPH VOGT,  
PHILIP ZIMMERMAN,  
JACOB KARST,  
SELAH DUSTIN.







[No. 42. ]

**MINORITY REPORT** of the select committee, to whom was referred sundry petitions praying the passage of "a bill to authorize the formation of mechanics' and laboring men's coöperative associations."

The undersigned, not being able to coincide with the views of the majority of the select committee, to whom were referred sundry petitions, praying the passage of "a bill to authorize the formation of mechanics' and laboring men's coöperative associations," begs leave to report that he finds, with said majority, that one thousand and sixty citizens of Detroit, have petitioned for the passage of said bill; and also agrees with said majority that coöperation is a beautiful idea, and rightly applied means co-work, abundance and good will towards men; but he insists that coöperation is not synonymous with success, and that it is barely possible that men may coöperate in such a scheme as will yield them a hundred fold of woes instead of a hundred fold of blessings; and that wise legislation ought not to be estopped by a word or an idea, but to enter in behind the curtain, and, lighted by the lamp of experience, with the aid of the milder but more constant light of history, to discover the

probable effects of their proposed legislation; and what they discover to be truth to rigidly adhere to, except in those local matters which are referred to the judgment of the whole body of the electors who are to be affected thereby.

The undersigned would be very happy if the petition of the thousand and sixty was such that he could agree with them, and was the law proposed only to affect the petitioners themselves, he would vote to give them the benefit of experience; but as it will affect not only them, but nearly a million of inhabitants besides, the petitioners must suffer him to be guided by his experience and judgment. And he does not strain the truth in saying that he has been acquainted with several coöperative manufacturing and trading associations, similar to those proposed to be incorporated by the bill in question, (except that they were not incorporated,) and every one of them met with a signal failure, including one which met with the same fate, within a few years, in the city of Detroit. In these instances, the coöperators generally lost nearly all they invested, and frequently as much more, although they bore the *quasi* relation of co-partners, and had much more power to protect their individual interests than could be maintained by the stockholders in the corporations proposed by this bill.

But in these corporations proposed, the greatest danger is not that the corporators will eventually lose their investments by failure, on fair trial, but it is that men will be in danger of becoming mere shuttlecocks in the hands of designing men. This bill proposes to allow men to incorporate for the purpose of carrying on the business of trade; a business altogether beyond the just domain of corporations, about which men have never been allowed to incorporate before in this State, nor, by general law, it is believed, in the United States; which was eschewed by this Senate during this session, in a bill said, by the majority of your committee, to have been brought here at the instance of capital. Yet this bill upon such a subject, has less safeguards for the protection of the corporators than the law providing for a gas company, in which there is no ap-

proach to the opportunities to commit fraud that there would be in a trading corporation. What can be expected from such corporations but the most stupendous frauds, robbery and ruin?

Therefore, being unwilling to confess, with the chairman of your committee, even for argument's sake, that he has voted for a bill to introduce white slavery into the State of Michigan, at the behest of capital; being unwilling to admit that he believes that Congress has incorporated an emigrant company, and that the agents of such company have come here asking us to rob honest emigrants of their inalienable rights; desiring at all times to maintain and advance the interests and rights of labor; making it his especial study to promote the equality of his fellow citizens; and hoping that honest industry may always assert its dignity in this Republic, and may have a niche in the temple of honor beside eminent learning and pure religion; but believing the bill whose passage is sought by said petitioners, to be fraught with loss, beggary, and ruin; viewing it as a great highway over which villains may ride with a coach-and-six, and with impunity rob the unwary laborer whom they shall meet in the way; conceiving the bill to be better calculated for people living under "regal governments," where guilds and castes exist, and where it is expected, and often required, that a laboring man should always be a laboring man, than for a free people, where labor is exalted and where men have the right to choose and change their vocations at pleasure; the undersigned therefore feels compelled to dissent from the premises, argument and conclusion of the majority of your committee, and earnestly recommends that said bill do not pass.

All of which is respectfully submitted.

H. M. PERRIN,  
*Minority of Committee.*



LEGISLATURE, }  
1865.

} SENATE Doc.  
No. 43.

[ No. 43. ]

**REPORT of the Commissioner of the Muskegon River Improvement.**

SECRETARY OF STATE'S OFFICE, }  
*Lansing, March 15, 1865.* }

**Hon. E. O. GROSVENOR, *President of the Senate:***

SIR—In compliance with a resolution of the Senate, adopted on the 14th inst., I have the honor herewith to transmit copies of the Reports of the Commissioner of the Muskegon River Improvement, for the years 1863 and 1864.

Very respectfully,

GEO. H. HOUSE,  
*Deputy Secretary of State.*

*To the Hon. Secretary of State of the State of Michigan:*

The undersigned respectfully submits his annual report as commissioner of the Muskegon River improvement, as follows, viz:

The amount of logs passing through said improvement, and of tolls collected thereon, as appears by the report of the superintendent, are stated in detail in said report, a copy whereof is hereto annexed, to which reference is hereby made; also, for a detailed statement of the expenditures upon said improve-

ment, and of the persons from whom tolls have been collected, and the amount from each.

This report shows an aggregate of 60,719,631 feet of logs run through said improvement for the year, upon which has been paid \$909 64 of toll. To this should be added 6,214,273 feet of lumber run by Newaygo company, upon which has been paid a toll of two cents per M, amounting to \$124 28, leaving a balance due from said improvement to said Newaygo company of \$13, of which \$20 is for services of the undersigned, ten days at \$2 per day, paid by said company, and which, added to tolls paid by others, makes a total of tolls paid, of \$1,033 92.

The superintendent has failed to state in his report the condition of the improvement, but the undersigned can state, from an examination thereof made late in the season, that considerable additionable repairs are needed, for which there is not a sufficiency of funds on hand nor available. The undersigned respectfully refers to former reports for his views relative to amendments of said act. The sum of fifty dollars is owing from said improvement towards a pile driver.

All of which is respectfully submitted.

WILLIAM I. CORNWELL,

*Commissioner of Muskegon River Improvement.*

NEWAYGO, January 1, 1864.

*Amount of logs run down the Muskegon River in the year of our Lord 1863, by the following persons :*

	No. of feet.	Amount paid.
Samuel Odell,.....	300,000	\$ 6 00
A. B. Watson, .....	1,000,000	15 00
Henry & William Loomis,.....	2,500,000	30 00
Andrew Olson,.....	1,000,000	20 00
Galen Eastman,.....	3,500,000	
Alexander Blake,.....	3,000,000	40 00
Ryerson & Morris, .....	9,169,123	183 38
Marsh & Foss,.....	5,320,000	79 89
——— Mason,.....	2,143,637	

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G. Truesdell, .....	5,471,165	\$109 42
Hackley & Co., .....	7,375,582	147 51
Bidler & Bro., .....	4,272,935	85 48
A. Trowbridge, .....	3,301,465	49 32
Deacon Smith, .....	586,988	
J. H. Rogers, .....	535,000	10 70
S. N. Wilcox, .....	1,486,000	29 72
Peter Johnson, .....	1,200,000	8 00
R. & M. Gibson, .....	300,000	
C. Crane, .....	812,114	
Geo. R. Roberts, .....	3,869,642	58 02
Charles Horton, .....		
— Romio, .....		
— Mitchell, .....		
— Hess, .....	3,000,000	19 00
A. N. D. Clerk, .....	150,000	
Sabin Putnam, .....	400,000	8 00
	<u>60,719,631</u>	<u>\$909 64</u>

TO BE PAID IN 1880.

## EXPENDITURES.

Amount paid for services, &c., on the Flats.		Amount paid for Supplies.	
<b>1893.</b>		<b>1893.</b>	
March 24. Henry Stone.....	\$10 50	March 10. R. Luce.....	36 00
" Samuel McCuin.....	10 50	" E. Luce.....	16 25
" David Jars.....	10 50	" Waters.....	8 75
" Thos. Maynard.....	10 50	" Miller.....	7 50
" Andrew Brock.....	10 50	" A. P. Day.....	1 50
" Christ Roll.....	10 50	" Morris.....	3 00
April 1. Henry Stone.....	33 00	" Wheeler.....	1 00
" Samuel McCuin.....	27 00	" Waters.....	0 00
" David Jars.....	34 50	" Foster.....	45 25
" Thos. Maynard.....	37 50	April. Turner.....	7 25
" Andrew Brock.....	35 00	Smith.....	2 50
" C. Roll.....	43 00	Smith.....	22 25
" Kent Seaman.....	6 00	Tappin.....	4 00
" Wm. Reeves.....	6 00	David Squires.....	6 00
May 1. David Jars.....	16 50	Stevens.....	2 50
" Thos. Maynard.....	16 50	April. Foster.....	2 00
" A. Brock.....	16 50	" My Team.....	3 00
" Wm. Reeves.....	13 50	" Fosslee.....	2 50
" Kent Seaman.....	15 00	" Morris.....	20 15
" C. Roll.....	16 50	" Truckey.....	7 00
" Truckey.....	6 00	" Gust.....	3 00
" Indian Post.....	7 50	" McClain.....	5 00
Amount for labor.....	\$399 00	" Turner.....	1 00
E. Mosher.....	184 00	" Sears.....	3 00
Cuyler.....	15 00	" Alven.....	4 00
J. Murphy.....	18 00	" Indian Jake.....	9 25
Phid A. B. Watson, for Conor.....	5 00	" Batter.....	14 25
Robert Eaton.....	5 00	" McClain.....	5 00
Smith, for timber.....	10 00	" Bachelder.....	3 00
	\$636 00	" Captain.....	17 00
		Jack.....	5 00
		Sturdfent.....	6 00
		Cummer.....	50 00
		Edwards.....	75
		F. Putnam.....	50 15
			\$371 00
		Lease Latimer's account, not paid.....	
		Newaygo Co. account not paid.....	\$43 00
		Balance due Commer.....	25 25
		Amount due me last year.....	55 25

Amount of tools on hand, same as last year. Timber on hand, 800 feet. Four bedquilts on hand.



*To the Commissioner of the Muskegon River Improvement:*

The undersigned, Superintendent of said Improvement, respectfully reports, that the quantity of logs, lumber and shingles passing through said Improvement, subject to "tolls," together with the several owners thereof, and the amount of tolls collected thereon, are shown in the following table:

OWNERS' NAMES.	Rate of tolls mills	Quantity, feet.	Amount collected.	Unpaid.
Thomas Stinson,.....	15	500 000	\$4 50	
Cartiss & Nelson,.....	15	1,637 000		\$21 55
S. A. Brown & Co.,.....	15	1,432 961	21 53	
A. B. Watson,.....	15	2,550 369	15 00	33 26
Ryerson & Morris,.....	15	15,043 381	120 00	61 66
Geo. R. Roberts & Co.,.....	15	10,201 261		153 05
A. Trowbridge,.....	15	44,159 923		66 24
J. H. Hackley,.....	15	227 399	2 25	1 16
J. & H. Beider,.....	15	5,879 886	58 80	29 40
G. Truesdell,.....	15	6,459 501	64 99	32 45
Royerson & Johnson,.....	15	3,844 529	38 44	19 92
O. P. Pillsbury & Co.,.....	15	2,228 150	22 28	11 14
Marsh & Foss,.....	15	6,345 350	63 00	31 18
John F. Wood,.....	15	140 900	2 10	
S. E. Sanford,.....	15	8 000	10 00	2 00
B. Merrill,.....	15	5,684 027		85 11
Martin, Perley & Co.,.....	15	2,089 753	20 89	10 45
A. Olson,.....	15	500 792	9 00	
S. W. Wilcox,.....	15	7,013 228		105 24
Mason & Davis,.....	15	4,916 790		74 11
C. Davis & Co.,.....	15	6,400 000	60 00	36 00
W. F. & H. J. Orton,.....	15	3,500 000		52 50
A. Blake,.....	15	1,500 000	20 00	2 50
.....		90,198,300	\$532 06	\$837 22
FOR TOLLS ACCRUED IN 1863, ON LOGS, @ 2c $\frac{3}{4}$ M.				
G. O. Eastman,.....		5,000,000	100 00	
Geo. H. Hess, on shingles, @ $2\frac{1}{4}$ mills, for 1863,.....			19 00	
Nowaygo Co., on lumber and timber, 1864, @ 15 mills,.....			60 00	30 00
.....			\$711 06	\$867 22

The undersigned further reports the expenditures to have been to the persons, and for the purposes, and in the sums following:

To A. A. Perkins, for labor,.....	\$32 00
" James Ryall, ".....	14 00
" Charles Ronno, ".....	20 00
" Jacob A. Brown, ".....	32 00
" Jacob Murphy, ".....	44 00
" James Balfour, ".....	42 00
" Andrew Brock, ".....	45 09

To N. V. Sturtevant, for board, .....	\$122 00
" Smith, for labor, .....	15 00
" Reed, for board, .....	15 00
" D. Squires, for board, .....	20 00
" W. Roberts, .....	66 00
" Christopher Rollins, for labor, .....	19 00
" J. E. Latemer, blacksmithing, .....	20 00
" Martinson, .....	16 00
" J. A. Brooks, on pile driver, .....	50 00
" Bois, blacksmithing, .....	6 25
" Morris, .....	7 75
For wrench, .....	3 50
" plank, .....	1 50
" blacksmithing, .....	8 00
" spikes, .....	15 00
" work, .....	2 50
" Axes and helvcs, .....	5 25
" Discount on draft, .....	5 00
To Newaygo Co., for lumber, &c., .....	60 00
	<u>\$684 85</u>

## FOR WORK PERFORMED IN 1862.

To Henry Stone, .....	\$16 00
" Thomas Maynard, .....	12 00
" David Jara, .....	17 00
" Samuel McQuin, .....	11 00
" Andrew Brock, .....	18 50
	<u>\$69 50</u>

From the foregoing it will be seen that the sum collected this year has been \$711 66, and the sum expended, \$754 35, without including in expenditures anything for my own compensation, or that of the commissioner. It will also be seen that but two-thirds of the toll fixed by the commissioner, or one cent per thousand on logs and lumber, has been collected, for the

reason that that proportion was deemed to be sufficient for the expenditures of the year, and the result, so far, indicates that when paid by all it will prove sufficient. For my services, at the rate heretofore allowed of fifty dollars per month, there is due to me for this year's service and hauling freight, from tolls to be collected, the sum of \$91 50. There is also due to Newaygo company, for lumber and supplies furnished, the sum of \$37 58. There has been timber for repairs had of W. Mason, which is unsettled for, but which is supposed to be about equal in value to the amount of his tolls uncollected. The condition of the improvement as to repair is considered good.

(Signed,)

S. MOSHER.

*Newaygo county, ss.*

Sherman Mosher being duly sworn, says that the foregoing report is true.

(Signed,)

S. MOSHER.

Subscribed and sworn to this 26th day of December, 1864, before me.

E. L. GRAY,

[STAMP.]

*Notary Public for Newaygo County, Mich.*

TO THE HON. J. B. PORTER, *Secretary of State, Michigan:*

The undersigned, commissioner of the Muskegon River improvement, respectfully reports that on the 23d March, 1864, he fixed the following rates of toll for 1864, viz: On timber, logs and lumber, 15 mills per M. feet; on shingles and lath, 2½ mills per M.; dry barrel-staves and heading 2 cents per M; fence posts, 2 cents per 100; railroad ties, 6 cents per 100; shingle bolts and bark, 2 cents per cord; hoops and hoop poles, 2 cents per M, and poll boats 25 cents each passage through said improvement.

The report of the superintendent, a copy whereof is hereto annexed, exhibits the collection for tolls, and expenditures made the present year, and the present condition of said improvement. The undersigned charges for seven days' services as commissioner, and five dollars for expenditures, making \$19; there is due him a balance of \$6 75 upon services and expenses

of the preceding years, making \$25 75 coming to the undersigned from said improvement fund. As former suggestions made by the commissioner have been unavailing so far as legislative action is concerned, it is deemed of no avail to continue presenting them.

Respectfully submitted.

**WILLIAM I. CORNWELL,**

*Commissioner of Muskegon River Improvement.*

December 26, 1864.

[ No. 44. ]

REPORT of the Committee on Federal Relations, to whom was referred House joint resolutions on the state of the Union.

The rebellion still continues in strength and power, defying the rightful authority of the government, and trampling under its unhallowed feet the constitution and the laws of the land, which they have sworn to obey. Rebels and traitors are still in arms against the government, resisting its authority with a vigor and pertinacity worthy of a better cause. They have fought with bravery, and suffered privations almost unparalleled in the history of the world; and the motives which have induced such an effort, the smallest, and the object to be attained the most inglorious, viz: the spread and perpetuation of slavery. Their madness and folly is without a parallel, and but illustrates the proverb of the ancients, that "whom the gods wish to destroy they first make mad."

Four long years have rolled away since the war commenced, and its scenes and incidents have been inscribed upon the canvas of time, and the historian has recorded all that has transpired, with the causes that have led to such results, to be read

and pondered over by future generations that shall come after us.

Notwithstanding the terrible reverses the rebels have had to their arms, and the destruction and desolation that this war has brought upon them throughout their whole country, yet they still fight, and refuse to yield obedience to the rightful authority of the government. They still continue in their madness and folly when it would seem that all hope was lost of attaining the object of their ambition. Strong and powerful must have been the causes that have produced such terrible results.

When this rebellion commenced, no man understood its magnitude, or its extent, or the results that would follow, except him who, by prophetic vision, like the prophets of old, could view the future, and the power and extent of causes that then existed, which in their legitimate operation would produce such results. The philosopher and the statesman have looked on with wonder and astonishment, and have asked themselves what should be the end of all these things. The answer came not to these; they viewed not the secret causes that were in operation to produce such results. They looked only on the external side, and not to interior causes, and therefore have not been prepared to meet or to comprehend this rebellion and its final results. To the wise and the prudent alone has it been given to understand and to know the power, progress and final results of this great revolution.

Effects must always have a cause, and that cause must be adequate to produce the results we see. A stream cannot rise higher than its fountain. It may then be asked, what are the causes that have produced such a terrible revolution and war? Many are the answers that have been given to this question, and as various as the stand-points from which it has been viewed.

Whatever may have been the answers in the past, and at the commencement of the rebellion, the logic of events has

given a definite clue to the answer, and there are now but few but what can and do understand it.

The remote cause, is the two great antagonistic principles that have existed in human society ever since the world began, viz: Liberty and Slavery. They have fought many a battle in days of yore, and have always been at eternal variance. The principles of liberty are aggressive and revolutionary in their nature. But slavery says, let me alone. The inherent nature of liberty is progressive and eternal in its onward march, and whatever stands in its path must eventually give way, and thus the conflict. Slavery, for a time, may rule and govern, but in the end must always give way before the all-conquering sway of liberty. Its principles are eternal, and must stand. Slavery is but an incident—a circumstance in the growth, progress and development of society and of nations, and consequently must pass away as nations move on to higher states and conditions of society, and to grander and noble achievements in civilization.

The more immediate cause of the rebellion and the war, was the immense power and influence of slavery, which had long been gathering up her strength to attack republican institutions, and to crush them out, that slavery might expand her area, and strengthen her power against the aggressive tendency of liberty, as fostered by republican institutions and governments.

She made the attack, and the conflict soon commenced. The principles of slavery, tyranny and oppression have been aggregating and accumulating for ages, and finally culminated in the stupendous and powerful institution of American slavery and this huge power, all supported, upheld and sustained in the sacred name of liberty. She sat as a queen, and thought her power and influence supreme and secure; but it often happens that when institutions think themselves secure, they are often the weakest. Pride, vanity and self-conceit always go before a fall. The measure of iniquity of American slavery was full, and the day of retribution had come. The great law of compensation must be met. Justice, long trampled under foot, now was cry-

ing aloud for her rightful rule and authority in this nation, and if justice ruled, slavery must die.

The institutions of slavery in the past were mild and tolerable under the times and circumstances in which they existed, compared with that of the present time. It was then the days of ignorance and barbarism. The glorious sun of liberty had not shone across the pathway of nations with its dazzling splendor, as at the present day. Civilization had not spread her arms quite so wide, nor had the eternal laws of justice and right been so well known and understood as now.

Thus the amazing iniquity, and the wonder that this Moloch should be set up for men to worship in a land where the rays of the sun of liberty has shone with a brilliancy and glory unexcelled in any other country or nation on the earth. But it seems to have been placed here in the midst of the highest and the greatest civilization, that the contrast might be seen, that in the end its complete and total destruction might follow and be final.

Your committee believe that the end of the rebellion is near at hand, and that the day dawns when that "sum of all villainies," American slavery, will be buried from our sight. The public sentiment of the whole civilized world is against it. The voice of the people of the United States has been heard in thunder tones against the monster slavery, and have determined that it should die, and die constitutionally. Our generals in the field, have said in language unmistakable, that the monster should die, as a just punishment for his attempt to strike down Liberty and republican institutions, which are the hope of the world.

The boys in blue, as they go forth from one victorious field to another, have said that this conflict shall not end, nor the sword be sheathed, until the cause of all our trouble shall be removed and placed beyond the reach of doing future harm to the growth and prosperity of republican institutions.

Abraham, the just, who holds in his hands the power to execute the will of the people, and in some measure, the destiny



of this most powerful and glorious republic, has said that slavery has deserved to die, and that it should die that the republic might live. His high sense of justice, his moral heroism, his stern and indomitable purpose to accomplish those things that he has decided to do, as is exhibited in his conduct in the past, gives evidence of what we may expect him to do in the future. He will carry out the wishes and desires of the people if within his power.

And last, the most unmistakable indications of a providential hand, that has been leading and guiding us as a nation, often in a mysterious way during this great conflict and war, has been clearly seen by the most careless and unthinking. That Providence has been leading us in the way of the destruction of this great evil, that his designs in the establishment of this grand and glorious republic shall be fully accomplished.

How strange and wonderful has been the change of public sentiment within the last few months. The voice of the people, as uttered forth on the eighth day of November last, has seemed like the voice of God, in quelling the disturbing elements of strife that existed within our borders, and was secretly plotting treason against the government. It has seemed like the voice of authority, that has said to the turbulent waters of strife, as their dark waves rolled across the troubled sea of the Republic, "Peace be still," and that voice was obeyed. The all victorious arms of the soldiers of the Republic, are pushing on under the lead of the invincible Grant, Sherman and Sheridan, until the rebels are driven to the "last ditch," and their leaders are seeking a place to hide themselves from the impending storm. They cannot long withstand the mighty power that is now hurled against them. One more grand and terrible battle, in which the conspirators will stake their all—one more bloody struggle, and the rebel army will be destroyed, and the Confederacy be no more.

Your committee believe that when a few more months have rolled away—when a few more battles have been fought and

won—when a few more weeks of toil and suffering have been endured by our noble boys in blue, then will peace be restored, the authority of the government respected and obeyed, and the proud old flag of the Union again float in triumph over all of this broad land. When all this shall have been accomplished, then shall there be chanted one grand choral song of joy and thanksgiving, such as earth's listening sons never heard before, whose echoes will reverberate along the bending sky, and its harmonious notes be caught by angel voices, who will join in the glad song of the nation saved, and the republic redeemed.

Your committee would submit the following joint resolutions as a substitute for House joint resolutions, and recommend that the substitute be adopted, and that the resolutions do pass, and ask to be discharged from the further consideration of the subject.

J. G. WAIT, *Chairman.*

#### JOINT RESOLUTIONS on the state of the Union.

1. *Resolved by the Senate and House of Representatives of the State of Michigan*, That in the name, and in behalf of the people of the State of Michigan, we hereby re-affirm the devotion of this Commonwealth to the Constitution and government of the United States, and the earnest determination of its people to do everything in their power, to support and sustain the national administration, in all measures for the vigorous prosecution of the existing war, the utter overthrow of armed rebellion, and the punishment of traitors, until a permanent peace shall be secured, based upon the submission of the rebels, the supremacy of the government, and the establishment of the Federal Union, in all its integrity, one and inseparable, throughout the entire land.

2. *Resolved*, That as American slavery degrades man, and robs him of those sacred rights to life, liberty, and the pursuit of happiness, to secure which, governments are instituted among men; as it has long shown itself an enemy to the public peace, and inspired, caused, and is justly responsible for all the blood and tears, the crimes and horrors that cluster about

this unholy rebellion, the dictates of humanity, the common welfare, the safety and perpetuity of the nation, as well as justice and liberty, imperatively demand the complete extirpation of this great wrong from every foot of the national soil; we therefore approve the measures adopted by the administration for its destruction, as an effective means for weakening the rebellion, and strengthening the power of the Union, and most heartily endorse the amendment proposed to the Federal Constitution, prohibiting the existence of slavery in all of the States and Territories of the nation.

3. *Resolved*, That the wisdom, prudence, and faithful devotion to the preservation of the national life, that have characterized the administration of the general government, by Abraham Lincoln, and of the State government, by Austin Blair, under circumstances of great difficulty and peril, merit our most hearty approval; and we fully endorse the measures and means adopted in their administration of public affairs, to put down this unholy and unjustifiable rebellion, and to preserve the nation against its avowed enemies.

4. *Resolved*, That we extend our sincere thanks to the soldiers of Michigan, and of the Union, for their unfaltering faith in the justice of our cause, their self-sacrificing patriotism, their patient endurance, their heroic fortitude, their unsurpassed valor, and their glorious victories, whereby the honor of our flag has been maintained, the rebellion shorn of its strength and greatly contracted in its limits, and the day of our final triumph rapidly hastened.

5. *Resolved*, That the inhuman and barbarous treatment of our brave and suffering soldiers confined in rebel prisons is shocking to humanity, contrary to the usages of modern warfare, and betrays a cruelty and baseness on the part of their captors at which the heart sickens, which is in keeping with the infamy of the rebellion, and should bring upon its guilty authors the execration and abhorrence of the civilized world.

6. *Resolved*, That the thanks of the State are eminently due to its patriotic daughters, whose words of encouragement and

gentle and sympathizing deeds of kindness and love, joined with their generous contributions of labor and means, through the instrumentality of Aid Societies and Sanitary and Christian Commissions, have cheered the hearts and contributed largely to the relief and comfort of our sick and wounded soldiers.

7. *Resolved*, That the Governor be and he hereby is requested to furnish to the President of the United States, and to our Senators and Representatives in Congress, a copy of the foregoing resolutions.

